STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

October 2, 2017 – 9:00 a.m.  DAY 43
49 Donovan Street  Morning Session ONLY
Concord, New Hampshire

{Electronically filed with SEC 10-16-17}

IN RE:  SEC DOCKET NO. 2015-06
NORTHERN PASS TRANSMISSION –
EVERSOURCE; Joint Application of
Northern Pass Transmission LLC and
Public Service of New Hampshire d/b/a
Eversource Energy for a
Certificate of Site and Facility
(Hearing on the Merits)

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

Dir. Craig Wright, Designee          Dept. of Environ. Serv.
Christopher Way, Designee            Dept. of Business &
                                     Economic Affairs
William Oldenburg, Designee           Dept. of
                                     Transportation
Patricia Weathersby                 Public Member

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq.  Counsel for SEC
(Brennan, Caron, Lenehan & Iacopino)

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER:  Cynthia Foster, LCR No. 14
# INDEX

**WITNESS PANEL**

LYNN FARRINGTON FRAZIER  
SAMUEL JOHNSON  
KENNETH BOWES  
JOHN KAYSER

<table>
<thead>
<tr>
<th>Cross-Examination by Mr. Thompson</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cross-Examination by Mr. Baker</td>
<td>43</td>
</tr>
<tr>
<td>Cross-Examination by Ms. Saffo</td>
<td>55</td>
</tr>
<tr>
<td>EXHIBIT ID</td>
<td>DESCRIPTION</td>
</tr>
<tr>
<td>------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>CFP 562</td>
<td>Exception Request 125</td>
</tr>
<tr>
<td>CS 104</td>
<td>Exception Request 178A</td>
</tr>
<tr>
<td>CS 104</td>
<td>Exception Request 180</td>
</tr>
<tr>
<td>CS 104</td>
<td>Exception Request 184</td>
</tr>
<tr>
<td>CS 104</td>
<td>Exception Request 185</td>
</tr>
<tr>
<td>CS 105</td>
<td>NRTH_NHDOT Permit Set</td>
</tr>
<tr>
<td></td>
<td>ROT 3C104</td>
</tr>
<tr>
<td>CS 106</td>
<td>NRTH_NHDOT Permit Set</td>
</tr>
<tr>
<td>CS 107</td>
<td>Splice Vault Diagram</td>
</tr>
<tr>
<td>CS 108</td>
<td>Exception Request 180</td>
</tr>
<tr>
<td></td>
<td>Area Work Space</td>
</tr>
<tr>
<td>CS 109</td>
<td>Laydown Area NoHill</td>
</tr>
<tr>
<td>CS 110</td>
<td>Laydown BRR-NoHill</td>
</tr>
<tr>
<td>CS 111</td>
<td>Laydown BRR&amp;NHill</td>
</tr>
<tr>
<td>CS 112a</td>
<td>Marie</td>
</tr>
<tr>
<td>CS 112b</td>
<td>Milker Marie</td>
</tr>
<tr>
<td>CS 112c</td>
<td>Young Maries</td>
</tr>
<tr>
<td>CS 113</td>
<td>Milk Truck Turning</td>
</tr>
<tr>
<td>CS 114</td>
<td>Milk Truck Headon</td>
</tr>
<tr>
<td>CS 115</td>
<td>Haywagon</td>
</tr>
<tr>
<td>CS 116</td>
<td>NPT Map Renewable Properties</td>
</tr>
<tr>
<td>CS 125</td>
<td>Civil Takeoffs Report</td>
</tr>
<tr>
<td>EXHIBIT ID</td>
<td>DESCRIPTION</td>
</tr>
<tr>
<td>------------</td>
<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>GRAFTON 43</td>
<td>Surveys</td>
</tr>
<tr>
<td>GRAFTON 44</td>
<td>Conference Report, 9/19/17</td>
</tr>
<tr>
<td>GRAFTON 45</td>
<td>Media Center Special Projects</td>
</tr>
<tr>
<td></td>
<td>NPass DOT's Role</td>
</tr>
<tr>
<td>GRAFTON 46</td>
<td>Existing Land Use Along the Project Corridor</td>
</tr>
<tr>
<td>GRAFTON 47</td>
<td>Applicant's Response to Grafton County's Data Requests and Interrogatories -</td>
</tr>
<tr>
<td></td>
<td>Set 1</td>
</tr>
</tbody>
</table>
COMMISSIONER BAILEY: Good morning, everybody. Welcome to Day 43 of the Site Evaluation Committee's proceedings on Northern Pass. We are at the cross-examination of Mr. Thompson. You may proceed.

MR. THOMPSON: Thank you.

CROSS-EXAMINATION

BY MR. THOMPSON:

Q Good morning.

A (Johnson) Morning.

Q I feel as first person up this morning I have a responsibility to simply state that we're all thinking and praying for the people involved in the senseless slaughter of people in Las Vegas last night. It's very unfortunate.

I'd like to ask a couple questions first, and then move on to four of the Exception Requests. I'd like to just clarify, Mr. Bowes, your understanding of New Hampshire DOT has requested that Northern Pass stay out from underneath the paved roads, the state highways, is that your understanding? As much as
possible?

A (Bowes) I would say yes. That's the Utility Accommodation Manual requirements, and they allow for Exceptions.

Q Okay. And in my case I'm going to concentrate on the roughly 7 and a half miles of underground burial in Clarksville and Stewartstown. So that would include about a quarter of a mile of 145 in Clarksville and probably a couple miles of state highway, Bear Rock Road?

A (Bowes) Yes. I think that's accurate.

Q It would also include those two roads.

A (Bowes) That is correct.

Q Thank you. Has anything been said about the town roads, staying out from under their roads, the dirt roads?

A (Bowes) So in our Application, Northern Pass has asked the SEC to assume jurisdiction over the local roads, and we've also asked that to be delegated to the New Hampshire DOT for control as well as for processing the necessary permits and approving the final design as well as any Exceptions. So I would say that's similar to what we have for State roads, but there is a
nuance that we're asking the SEC to assume that jurisdiction and then delegate.

Q Thank you. I'd like to also help clarify one issue that Dr. McLaren was talking about Friday afternoon of the weight of the manholes. We have -- that's it right there. I'd like to just concentrate for a minute on the sketch that I've done. There's some discrepancy I've seen in the actual size of the manholes, but I think the most common size is 8 feet wide, 6 feet high and 33 feet long. Do you pretty much agree with that?

A (Bowes) Approximately, yes.

Q CS 107. I did some quick calculations just to, at the bottom. You can go through them if you want, but it figures out that each half of the manhole is 22.8 ton per half piece based on three feet high, 8 feet wide and 33 feet long, and using what I would say is common, an 8-inch-thick wall reinforced. Using a figure of 4100 pounds per cubic yards it figures out to 22.8 ton. Would you agree with that?

A (Bowes) The calculation seems to be correct. Yes.
Q Thank you. Leads me to question the size crane that would be required to set one of these. Do you have a feeling of what size tonnage crane might be necessary?

A (Bowes) Probably 30 to 40-ton crane.

Q Probably 30 to 40 ton. Thank you. Do the people that do the splicing inside these pits, are they Eversource people or IBEW people or subcontractors?

A (Bowes) So the people that would perform the splicing, the actual lead splicers would be from the cable manufacturer, and there may be apprentices used as well which would be IBEW employees or IBEW workers probably employed by PAR at that point or --

Q Probably calling somewhat specialized in what they do, certainly trained and --

A (Bowes) Highly specialized, I would say. This is their sole profession, and they travel the road with each project and perform the splicing activities.

Q Okay. Stated Friday there's roughly 150, 160 manholes in all, somewhere in that range. About every third of a mile, might be 170?
A (Bowes) I think we gave varying figures. 150, 154. I think there's actually 159 splice enclosures.

Q Good. 159. It takes about a week to do a two-section splice, give or take?

A (Bowes) Five days probably, yes. There may be some setup time and some time at the end to remove the preparation materials.

Q Leads me to ask the logical question of are these gentlemen that, people doing the splicing going to accept the fact that they're working in a manhole that's only got 4 foot 8 inches of head room if it's 6 foot high and 8-inch walls?

A (Bowes) Yes. The dimension is a little bit larger than what you show here. I think it's 7 and a half feet or 8 feet total.

Q And it probably opens up the question of would you have the crane come back a second time to take the top off versus having a hole in the top of the manhole. The option's there.

A (Bowes) So we did discuss last Friday that the DOT has worked with our contractor and has talked about some temporary chimneys. Those would certainly be in the paved roads so we
would not have to come back and remove the entire cover. We just have to dig down, meet the chimney, and keep that excavation open for the time period of the splicing.

Q Um-hum.

A (Bowes) I'm not sure we've come up with how we plan to do that on the dirt roads, if that would be also acceptable, or whether we will have to come back and remove the cover for the splice enclosure.

Q Do they have special equipment to do the splicing that they have to get down into the pit and into the vault?

A (Bowes) Yes, they do.

Q And so the hole, the opening, logically, would have to be big enough to be able to get that equipment down in and back out?

A (Bowes) Yes. The typical installation would be with a paved road with two manholes so there would be an entry and an exit manhole and all the equipment for splicing would enter through the manhole cover.

Q And then that would be disassembled afterwards?

A (Bowes) Correct. That's why I said --
Q It wouldn't be permanent.
A (Bowes) Correct. That's why I said it's probably about a five-day splicing operation but maybe a day to put the equipment into the manhole or splice enclosure and a day to remove it.

Q Thank you. I'd like to move on to the first Exception. In the North Country there are, that I could find there are 8 Exceptions requested by Eversource. Does that sound right?
A (Johnson) That sounds about right, yes.

Q The Exceptions are presented to New Hampshire DOT, and they make a decision whether to go along with them or not. Are these Exceptions sort of what you might call a change order? Or are they a variance like we experience in town planning board and zoning ordinances?
A (Johnson) I would say more like a variance. I've never really thought about it in that sense, but, yeah, clearly the DOT has the Utility Accommodation Manual with the rules set out, and these Exceptions are exactly that. It's a variance to the UAM.

Q Who, is it Eversource that put these Exception...
Requests together or is it the architect or is it PAR?

A (Johnson) So it's a combination of the design engineer and PAR working together from both a design or engineering aspect and a constructability aspect, and then that's reviewed by the owner prior to submittal to the DOT.

Q Was it done recently or were the Exceptions put together knowing that they would have to be asked for as part of the original, at the time of the original development of the original request?

A (Johnson) So working with the DOT, we identified the process of Exception Requests probably late last year to early this year, 2017, and it's really been in the sort of spring and summer of 2017 that the Exception Request process has evolved.

Q So they keep, more issues keep popping up as you get deeper into it and get far more involved?

A (Johnson) Sure. It's a natural evolution as the design gets more firm, if you will. Then we have a better understanding of where those
Exception Requests are.

Q Exception Request number 178 which is my CS 104 is requesting that, typical of a lot of them, I believe this one is requesting that one entrance and one exit of the two HDD come out from underneath or go into the paved, actual paved road or Route 3 at the steel bridge in Clarksville or Pittsburg; is that correct?

A (Johnson) That's correct.

Q I'd like to have CS 5 and CS 6, please. This is the DOT Application to DOT maps, and this is an area that a few weeks ago we had a tour of the North Country and the full Committee here, Site Evaluation Committee were there along with representatives from pretty much all facets of what is in this room. We walked, we parked up around the corner, walked down to Old Canaan Road, and kind of followed the ditch down toward the steel bridge heading south on Route 3.

I guess I don't understand why you have to have one of the two entrances into the pavement of Route 3 causing certainly at the very least problems with traffic when the ditch on the right-hand side that we walked down next to...
although it's a ditch that would need to be regraded but it's roughly 35 feet wide from the edge of the pavement to the edge of the wooded area. And I'm referring to, in particular, CS 105 where it designates that the HDD entrance, they call it end, but that to me is probably where you'd start and then go south. Why do we need to enter into using the asphalt when you've got 30 feet of grassed area?

A (Johnson) So is your exhibit up on the ELMO?

Q Okay. Here's Old Canaan Road. This is Route 3 north, south, the bridge and the river in this area. Here's Connecticut River. Here is, they call it end, but I think the plan would be, if I were doing it, would be to enter here and HDD south.

A (Johnson) It's actually the opposite way.

Q Okay. So let's say you're doing it other way.

A (Johnson) Right. So I'm looking at the Exception Request 178a which I pulled up on my screen, and it looks like both the exit pits on this side are off the pavement.

Q Yes.

A (Johnson) And I did take a look at the entry
pits on the south side of the river, and it looks like that's where the request is for one of them to be in the road.

Q So at the south side then, the request is to enter one of the two from asphalt rather than, and they both come out in the grassed area?

A (Johnson) That's correct. Yes.

Q Is that predicated in part because of a neighbor here whose property comes up pretty close to the corner and you've got to work your way around and then head north?

A (Johnson) Referring to the south side now?

Q South side of the bridge, correct. CS 106.

A (Johnson) I don't know that it's predicated on that particular property owner. I think the alignment here goes from property that's owned by the Project and crosses underneath the river and comes up in property that's owned by the Project as well. I guess it just makes sense for it to be on property that we manage. I don't know exactly whether that particular landowner was part of the decision to locate the facilities in the locations that they are.

Q Yes. I mean, this is all a great starting point
which would keep you out of the road. The problem would be crossing underneath this neighbor's property. Have you talked to them, possibility of going under their land?

A (Johnson) Again --

A (Bowes) You mean locating outside the road right-of-way?

Q I'm thinking stay away from Route 3 which is a pretty heavily traveled area, set up in the parking lot area, I think that gate here up to go up into Transition Station number 2, but it just logically makes sense if you could get permission to cross under this land to set up in that big parking lot.

A (Johnson) I don't know the answer, whether we've talked to the Society or not in that particular location.

Q Right. Some of the requests do involve permission to, you're requesting permission to work underneath the asphalt, both entering and exiting.

A (Johnson) That is correct.

Q And they talk about plus or minus, left, right, forward, back of five-foot tolerance. How do
you, how do you control to get within five feet? I understand that there's a sensor of some sort on the head so you can pretty much tell where that cutting head is at any point, but do you have a feeling for how the thing is steered?

A (Johnson) Again, I'm totally out of my element here, but I believe that the drilling head is steerable either through hydraulics or some other thing, and they're able to move it as necessary as far as the drill path is concerned.

Q I would have to think it's obviously steerable. I agree. When you're doing one of these, Ms. Frazier, and you're waiting for the thing to pop out in the asphalt some place, plus or minus five feet, until the point where it actually occurs, you probably have a little question in your mind as to what kind of traffic control you're going to be putting together?

A (Frazier) So I believe since we're closing a lane at that location, I think they said there's a five-foot tolerance so that's well within the travel lane for all of these. So not too much anxiety over that. Just knowing the approximate area is enough.
Q So you'd probably aim for the middle of one of the lanes and plan on five feet plus or minus still being somewhere in that lane.

A (Frazier) Exactly.

A (Bowes) It's actually a little more precise than that. The five feet is just a margin of safety that's added to it. An actual path is laid out electronically with the machine, and they actually stake the exit location with either a stake if it's on, you know, not on pavement or they'll mark the pavement itself, and any deviation from that is monitored while the drilling is taking place, and they correct and bring it back on to the alignment line that's laid out. Normally, they come right up where the stake is, not five feet away, but they want five feet as a work area around that location.

Q Thank you. Okay. Move to the next request.

Our CS 104 which is Exception Request number 180. This is also, I believe, a request to go under the asphalt. This is at the corner of where North Hill Road comes down the hill and bears left heading east on Bear Rock Road. My big question here if we can go to CS 108 for a
start. Exception Request 180, we're starting with.

What I'll do, Ms. Frazier, is explain what I understand is happening, and then you tell me where I'm confused. Okay? Game plan?

A (Frazier) Okay.

Q Top of this page the dotted line shows the two direct bury coming down North Hill Road, turning on to Bear Rock Road down at the bottom, and then the request is for the four foot by four foot entry pit being set up under the pavement. My concern here is this is, I understand, Mr. Bowes, probably give or take a two-and-a-half to four-week process?

A (Bowes) I would say probably.

Q That's what we've talked about, and that's kind of in general, but -- so one lane is open, and it looks like the lane, Mrs. Frazier, this is Bear Rock Road down here. Go up North Hill. Coming either way it appears to me the cross-hatched is the closed area and work area. Traffic goes up, makes a turn and goes down like this and then heads east. Or if I'm coming the other way, got to go along here, up around and
back. Do I understand that correctly? Am I missing something?

A (Frazier) Yes. That's correct. Sam was just saying we could also cut some of that kind of peak of the triangle off as well to make it a more gradual turning movement for larger vehicles.

Q Right at the lower right corner where it turns to go up if I was headed down Bear Rock?

A (Frazier) At the very top where the kind of little arrow is around.

Q Let's take a look at that. We'll start off with CS 109. This is if I'm up on North Hill Road looking down, and the dotted line goes down the left-hand side, down at the flat bottom is Bear Rock Road and you turn left, that's where it's set up. So you're proposing that we come up and make a turn and then go back down the other side.

A (Frazier) Yes.

Q Take a look at CS 110. That's at the bottom looking up North Hill. Does that feel like it's going to work to you? This is -- well, I'll ask that question first.
A (Johnson) Sure. So, obviously, this is an area that we would be, where the drill rig would start and so the laydown area as is drawn is basically encompassing that island, if you will, the grassy knoll there, and it really is to allow the drilling company to place their equipment so that it's not all the way down Bear Rock Road in a linear fashion.

Certainly the utility pole that's located there and the actual grassy knoll can be regraded to assist in the way that we would flow traffic through here. I think what the designer has tried to do is maximize or show at least on the plan a maximum area. Certainly that could be optimized as the process goes forward. But ideally, we'd want to be able to turn right on to the road there and then turn left again to go back down Bear Rock Road in a continual path. And, of course, any turning radiuses or anything else would have to meet DOT standards as far as large vehicle traffic and other things.

MR. WAY: To the Chair, if I could just pose a quick question? Just clarification, where exactly is this spot on the triangle that
you presented earlier?

Q The entrance?

MR. WAY: Right.

Q This would be Bear Rock Road.

MR. WAY: Right.

Q Which is pretty much level along that area.

North Hill comes down right here is the entry. One of them, I assume, will be in the ditch, and the other has to be in the paved road because they have to be, I understand, to be ten foot apart; is that specifications?

A (Johnson) Correct.

MR. WAY: Okay. So 109 was looking at that exact spot?

Q 109 would be looking down, that exact spot would be down right in here somewhere. And if you look at 110, it would be right, somewhere, I would, am I pretty close?

A (Johnson) You're pretty close.

MR. WAY: And that's Bear Rock Road?

Q That's Bear Rock Road.

MR. WAY: Okay. Thank you.

Q What else do I have there?

There's a couple photos on the Application
that I think there are, were there photos in that Application that also showed it? Maybe not. That's fine. Strike that.

I guess we're going to see a picture of a milk truck in a minute. Every other day the milk truck has got to go up Bear Rock Road to pick up milk up at the McAllastar farm. Looking at CS 109, and the map CS 108, Mrs. Frazier, are you comfortable that milk truck can make that turn?

A (Frazier) Not yet. But once that area is regraded and that kind of top of the triangle is pushed down a little to make it a smoother turn, I'll have much more confidence.

So the DOT actually supplied some comments on our traffic control plans initially, and one of the repetitive comments was that we need to accommodate a WB 67 on all roads which is what the milk truck is. So it, we will have to run the turning movements on it, and we will need to be sure that that does work.

A (Johnson) And I'll just add we did talk about this last time we were on the stand that there may be situations, especially with road closures
that are farther down Bear Rock Road if it does come to that, that we would work with Mr. McAllaster from a business interruption perspective to either buy his milk or bring in smaller trucks, but, obviously, multiple trucks to get his product to market, but that would be the sole cost of the Project and not inconvenience Mr. McAllaster as much as possible.

Q All right. Have you talked to Mr. McAllaster about that yet?

A (Johnson) Not yet. Obviously, we need a more complete design or the final design, but certainly that is on our list to come out and have discussions with him regarding the time of day, to see any seasonal issues he may have, but certainly that is something that will happen in the future.

Q You don't feel that it's pretty critical to be talking to him now?

A (Johnson) We do feel it's critical. I think what we'd like to do though is present a plan as you, as Ms. Farrington just said, if we can present a plan for this particular area that
allows for that type of truck to go through, then we would certainly want to present that to him. Obviously, if we are restricted from doing that, then we'd have to come up with an alternate plan, and I'd rather have the alternate plan available before we begin that conversation.

Q Right. Is that something that your customer relationship people would do in the field? I forget the names of them, but --

A (Johnson) I think it would be a concerted effort. Certainly a customer relations person would be with us, but I think in this particular case, it's very important that the design engineers as well as the owner be represented at any meeting we'd have with this particular gentleman.

Q This on the screen now is just to get a feel of the size vehicle we're talking about.

A (Johnson) Agreed. To complement this, there's also a lot of logging activity and the trucks that come down Bear Rock Road are just as similar to this.

Q Okay. That's that. I'll take that picture
back. Next one is number 184. See if I can keep these straight. This is the one, this is the one, the special exception at McAllaster Road. And we have, this apparently is also a request to dig in the pavement. Again.

A (Johnson) Correct.

Q Somewhere right around here there's also a request to cross the road. I'm not too concerned about that. This one is concerning because it really is going to make access up on to McAllaster Road very, at the very least very difficult. These two photos are part of the actual request for Exception Number 184. And it's pointing to a point south, just south of McAllaster Road which is a, if you're heading east, in and out Bear Rock Road, McAllaster Road as a left goes up the hill to the dairy farm. Shows where the entrance under the asphalt will occur. It's back a ways, a bit of a ways from the exit to go up McAllaster Road.

The concern here, again, is the same issue of closing off McAllaster Road, making it impossible, making it impossible to get up to the farm. Again, we take a quick look, this
photo happens to be, this first photo shows a milk truck coming out of McAllaster Road. The actual location of the digging in the asphalt would occur somewhere in this area here. Probably on, this side of the, this half of the road, and then the next one shows as he's made his turn coming down. Just get a feel for how difficult this is going to work.

Do you agree that at the very least it's going to be a difficult process to get vehicles in and out of McAllaster Road?

A (Johnson) Sure. I looked at the plans and it shows that one of the pits is off the road into the grassy area, and another one is in the shoulder area as you've shown right here. Certainly a large vehicle such as this would be a tight fit, but I believe that the way that we've laid out the traffic management it allows for the 11-foot-wide space for a vehicle to get through. Certainly, though, it would have to be at slow speed and with everyone paying attention.

Q Also just to take it a step further, I think this is Rod McAllaster hauling some hay up the
hill. That wagon has got ten bales on it, I guess. Ten bales?

A Yeah.

Q He presently has over 900 bales in his dooryard harvested this summer so it's a very ongoing every day when the weather is -- you understand.

Take this just a step further, in humor a little bit, we'd like to introduce Marie. It's her milk that you're going to propose to dump down the brook. And better look at her.

Here she is with a load of milk ready to go to work. And while I was there I did happen to take a picture of some of the offspring. These are what we call apprentices getting ready.

Okay. Moving along, next one is number, Exception Number 185. This also is, I think this one has to do with, has to do with the crossing the road, if I remember. By the way, all of these Exceptions happen to be involved with the state Bear Rock Road, the paved area.

A (Johnson) Correct.

Q There's also three HDDs that are in town dirt roads, no exception requested there. Does that lead me to believe that you just will be moving
ahead and digging in the middle of the road? In the dirt roads?

A (Bowes) So we would plan to follow the same process if the SEC delegates to the New Hampshire DOT that responsibility, and that's what we've asked for on pages 82 and 83 of this Application. It was also recently granted for the MVRP Project for Docket number 2015-05. So we're asking basically for the same delegation for use of local roads as we did in that past Project.

Q So that you will be requesting for exception in the dirt roads also?

A (Bowes) Exactly. It will be the same process we would use, and whether it goes to the SEC or whether it goes to the New Hampshire DOT we would follow the same type of exception process doing a detailed analysis and putting forth a package like we've just seen on several of these.

Q Are you saying that at this point you're really not sure who's going to make a decision to approve it or send it back and ask for more information; SEC or New Hampshire DOT?
A: (Bowes) We've asked the SEC, and they would likely delegate to the New Hampshire DOT who has the expertise to do that.

Q: So Exception Request number 185, I believe, has to do with crossing the road. Is that correct?

A: (Johnson) Yes.

Q: My concern isn't so much crossing the road as why they need to be in the road at all. Who is Renewable Properties? I know the question has been asked, but I'd just like to be sure we understand who they are.

A: (Bowes) They're a wholly owned subsidiary of Eversource Energy.

Q: Are you aware that from south on Bear Rock Road state highway with the paved area, south of probably within 100 feet of where that entrance under the asphalt occurs south of McAllaster Road, for roughly .6-tenths of a mile by GPS, on the right-hand side and in some cases both sides, all that property for six-tenths of a mile is owned by Renewable Properties.

A: (Johnson) Correct.

Q: We can strum through five of these maps of the Application to DOT, and it's continuously owned
by Renewable Properties to a point probably two
or three hundred yards of where the state
properties stop. Here is our CS 116. This is
pretty big. This is property bought, the green,
different greens, and this was a map made before
they had purchased all the land they hoped they
needed to go overhead.

I'm referring to this piece of property
right here. This is Wiswell Road, Old County
Road, North Hill Road, Bear Rock Road,
Transition Station 4, Transition Station 3.
That's the 7 and a half miles. This piece of
property right here.

A (Johnson) I'm familiar with that property.

Q Why not use it? You bought it. Why not get off
the road and go underground for six tenths of a
mile up through that land and then come back on
to the road? You'd eliminate -- I'm sorry.


Q Point being, among a number of problems that
would be rectified you'd eliminate the blocking
of McAllaster Road?

A (Johnson) So if you look at Exception Request
185 which I think was the start of this
conversation, the Exception Request is to cross the road.

   Pam, do you have the map that's associated with this?

   Okay. Unfortunately, it just got cut off, but on the very left side of this map, the request is to cross the road from the north side next to McAllaster property to the south side which is along the RPI property. And so that's what the exception was for. It was just the crossing of that road.

   As we continue along this entire stretch here, along the Renewable Properties, Inc., you can see that the green design has been moved off of the roadway. So this is now in the shoulder or on the edges.

   Mr. Thompson, I believe you just asked why we didn't put it fully onto our property there. It's because of the environmental impacts that it would bring up. That's a very swampy and wet area, as you're aware. The slope drops down onto the property, and it's a very swampy area. So what we tried to do is to move this alignment off of the paved roadway but in an area that
could be still constructible with the least amount of environmental impact.

Q  The only section that's wetlands is give or take a couple hundred feet from Bear Rock Road. You own back 80 percent of the distance up to Noyes Road. The whole hillside. It's a gradual sloping side hill, certainly much more workable than a lot of the land you're going to face in Dixville, Millsfield and Dummer.

A  (Johnson) Sure. From an underground perspective, though, from a constructability, getting vehicles in and out, we'd have to build new access road and cause quite a bit of either alteration of terrain or tree clearing and other things. Even though it is our property, the least impactful environmental route is off the roadway, but, again, next to the roadway.

Q  Okay. Thank you. Next I'd like to get into some questions concerning Transition Station 4 number 4. The reason, as I understand it, for the Construction Committee, you people, were called back was to go into detail on these many Exceptions and try to understand them, and also to answer some inaccuracies in the plans that
occurred. Is that --

A (Johnson) That's my understanding. Yes.

Q -- the way I understood it? What I'd like to do for a few minutes now is to talk about during my questioning a couple months ago to this Panel, asked a lot of questions, got into a lot of details, and I feel I've exposed an area where I've got an inaccurate answer so that's the reason that I'm pursuing. Do you remember the discussions we had about the 30,000 cubic yards of ledge that had to be excavated, blasted and excavated out of Transition Station 4?

A (Johnson) I do.

Q After that discussion and day, and as I recollect, I can't remember which one of you gentlemen said but there was just probably a mistake made or a misunderstanding with your estimator concerning the understanding that it was 30,000 cubic yards, correct?

A (Bowes) I think it was the cut and fill that was the mistake.

Q Yeah.

A (Bowes) I think we always knew how much --

Q It was a misunderstanding. You thought it was
cut and fill, and it turns out it's all cut and
get rid of.

A  (Bowes) Correct.

Q  Yeah. Did you go back to him afterwards and
verify that 30,000 cubic yards?

A  (Johnson) We did.

Q  And verified that it was 30,000, plus or minus?

A  (Johnson) Plus or minus, yes, sir.

Q  I happened to do the same thing couple weeks
ago.

Put this one up first.

With a well-known estimator in Gilford
named Kevin Hayes.

Now the next one.

Asked him to do a takeoff. He did it by
quadrant cut and fill. This print right here is
basically the 3.12 acres from a plan view which
means looking straight down from above at it,
cut and fill of that whole area. And this cut
and fill includes the soil materials on top and
the blasted ledge.

Next?

His discovery, the bottom of column 1, is
that there'll be a total of 77,000 cubic yards
and there's some materials coming back making, crushed bank run to make the driveway and the landing area and so forth. So the net is somewhat less than 77. We also, do you understand CS Cole's research that he has said that there's soil material on top of the ledge anywhere from 6 inches to 5 foot 6 inches down?

A  (Johnson) I'll take your word for it.

Q  So if we, let's say, assume that there's an average of five feet over that whole area, it equates out to somewhere in the vicinity of 60,000 cubic yards of ledge and the other 15 or so thousand is soil and stumps and everything else. Will you accept that based on Mr. Hayes's takeoff?

A  (Johnson) Sure.

Q  My concern here is many fold, and I keep having to ask the question, and in particular of this Committee, how are you going to take on a Project of this magnitude in such a tight area where now if in fact it's 60,000 cubic yards of ledge it's got to be hauled off and I think we can agree, I would expect that would you agree with me that a 15 yard tri axle dump truck when
hauling crushed ledge would probably have ten to
12 yards in it, if it was crushed it would have
a full 15. Some would agree with that?

A (Johnson) Potentially, yes. Depends how you
process the material.

Q What I'm leading up to is that we're now talking
four or five thousand truck loads to be hauled
out of there to go somewhere. The exposure on
Bear Rock Road or whatever direction it's going.

MR. NEEDLEMAN: Madam Chair, I'm going to
object at this point. This is really akin to
counter testimony on this issue. Also, it's not
clear how it's within the scope of the recall,
but that's a separate issue.

COMMISSIONER BAILEY: Mr. Thompson.

MR. THOMPSON: I feel that the
discrepancies that I'm exposing just magnify the
problems that are going to occur, and I intend
to get into for a minute the blasting, the
amount of dynamite, and the health problems.
It's all being magnified.

COMMISSIONER BAILEY: Mr. Thompson, can you
tell me how this applies to the alleged
inaccuracies?
MR. THOMPSON: The inaccuracies are causing the problem. It's doubling the amount of dynamite that's going to be needed. It's vastly increasing the probability of damage to the glacial spring well that I own 1100 feet away. It's a heavy exposure to a family with two special needs people that live 650 feet away of which the woman was here --

MR. IACOPINO: Let's focus on the question the Chair asked you though. How does this apply to the alleged inaccuracies in the plan? Not how does it apply to the people who live there right now, but the questioning is limited to what inaccuracies in the plan. So can you tell us what inaccuracy this information applies to.

MR. THOMPSON: The set of plans for Transition Station No. 4 show a clearcut of ledge. We talked about that, and the roll which is on the table shows this huge cut of ledge. And I guess my direction here is that I'm just exposing the inaccuracy of the testimony that I received before and that, in fact, it's a more serious problem than we had first thought.

MR. NEEDLEMAN: Madam Chair?
COMMISSIONER BAILEY: Yes.

MR. NEEDLEMAN: This is not an inaccuracy. I think if you asked this Panel they would likely disagree with this. This appears to be countervailing testimony from an apparent expert who is not present.

COMMISSIONER BAILEY: I think that's what he's trying to do though is give them an opportunity to say why this isn't accurate. Go ahead.

MR. NEEDLEMAN: Again, I mean, it seems to me that what we're seeing here is something that should have been in Mr. Thompson's testimony at some point, not something that is within the scope of order that I thought related to inaccuracies in the plans with regard to DOT.

MR. THOMPSON: I think it was in my testimony. I asked the questions and --

COMMISSIONER BAILEY: One minute, Mr. Thompson. Why don't you ask them if they can agree with these numbers or if they do agree with these numbers?

BY MR. THOMPSON:

Q Do you agree with the numbers that this more
likely my expert estimating it to be roughly 60,000 cubic yards is more to the point than what you thought to be 30,000 cubic yards? And by the way, the 30,000 was actually a question during the Technical Sessions earlier where I asked the question and got the answer of 30,000.

MR. IACOPINO: So the question is do you agree with the numbers that he's presenting to you?

A (Johnson) So I cannot agree or disagree. This is obviously an interpretation that's come forth from this gentleman who did this. I can say that our engineers looked at, and we were talking specifically about ledge at the time, I believe we were discussing 30,000, but our engineers have looked at the geotechnical results and the topography of the ground and have calculated it out to be approximately 30,000 cubic yards of ledge. I don't think in our discussion we were talking about any of the overburden. Clearly, there is overburden that needs to be removed. Whether that gets trucked away or whether it's gets spread on the uplands is still to be determined, I believe, from a
constructability perspective, but I believe our numbers that we were talking about specifically, the 30,000 cubic yards were in relation to ledge.

Q The overburden you talk about is the topsoil, stumps, dirt?

A (Johnson) That's correct.

MR. IACOPINO: Just for the record, when we say these numbers we're referring to what Mr. Thompson has marked as CS 125 which appears to be some kind of spreadsheet.

COMMISSIONER BAILEY: Are you ready to go to your next question?

MR. THOMPSON: Yes. Thank you. Can I continue in the direction I'm going or do you want me to bail out?

COMMISSIONER BAILEY: Well, ask your next question, and see if you get an objection.

BY MR. THOMPSON:

Q At open house hearing number 3 which occurred back in July, there were a roomful of people here testifying, comments, they could come forward, they had three minutes, they were regulated very tightly and could pretty much
make comments on whatever they felt like. Kerry Motiejaitis was of the last people that afternoon to speak, and she's a resident of Stewartstown, Bear Rock Road.

For the Committee's direction, if you came up Bear Rock Road past Noyes Road that goes into the dip and up to my home, and then you come to the intersection with Heath Road, if you take a left and start up the hill, Transition Station 4 is immediately on your left. If you'd taken the right on Bear Rock Road going around the corner about 4 or 500 feet, you'd find a home on the right which is the Motiejaitises, Brian and Kerry.

Are you aware of the fact that they have two adult special need people as she testified that afternoon? Not testified but spoke?

A (Johnson) I was unaware.

Q Are you aware of the fact that, will you accept the fact that an estimator in the road building department at Pike industries, Lee Miller, has indicated that in order to blast the 60,000 cubic yards will require approximately 120,000 pounds of dynamite?
MR. NEEDLEMAN: Objection. I think these questions are beyond the scope of the recall order.

COMMISSIONER BAILEY: Mr. Thompson?

MR. THOMPSON: Once again, I'm searching and looking for answers for the serious ramifications of what the increased amount of blasting is going to cause.

COMMISSIONER BAILEY: I'm sympathetic to that, but I believe this is beyond the scope of what the recall was for so your objection is sustained. You have to move on to your next question, please.

MR. THOMPSON: Thank you. At some point, I expected this to happen so I'm now done. Thank you. Appreciate your time.

COMMISSIONER BAILEY: All right. Mr. Baker. You're on the list as the next up.

MR. BAKER: Thank you, Madam Chairman.

COMMISSIONER BAILEY: You may proceed.

CROSS-EXAMINATION

BY MR. BAKER:

Q Good morning. My name is Bob Baker. I've asked questions of this Panel before briefly, and I
intend to be even briefer this morning.

My questions relate to only, at least initially, only the underground portions in the area you've designated as NRTH where my clients have real estate. And, specifically, what I want to know is is the redrawing or reworking of the maps, surveys of the road right-of-ways for the town maintained roads in Stewartstown and Clarksville also occurring like it is for the White Mountain National Forest area?

A (Johnson) It is.

Q And when will those new maps be available to the SEC and to the participants in this process?

A (Johnson) As we discussed Friday, I believe there was a four- to six-week period in the field, and then another couple weeks so it was 6 to 8 weeks starting last Monday so that's now 5 to 7 weeks.

Q So we're talking, for the sake of my clients' understanding of what your final determinations are, we're talking about the end of November?

A (Johnson) Yes. If that's 5 to 7 weeks. Yes. That's about right.

Q Okay. In that regard, who are you submitting
those maps to for comment, for consent to use those roads, at the current time?

A (Johnson) So we will submit those to the DOT through the DOT process. The DOT can decide whether they are willing to review the local roads or not. If not, then it will remain pending until the SEC has made a ruling regarding the delegation of that right per Mr. Bowes's testimony earlier.

Q Did I hear earlier, and I apologize, I was listening carefully but I may have missed it, Mr. Bowes, did you say that the Applicants have asked the SEC if they will refer this matter back to the DOT?

A (Bowes) So we've asked the SEC to rule on this. It's in our Application on page 82 and 83. And it goes through all the legal issues around this, precedence, et cetera, so we believe that it would be likely that the SEC would delegate that to the New Hampshire DOT. So it's as similar to the State road process that we're using. And therefore, we are preparing all the same documents including in the original Appendix 9 and Appendix 10 of our Application
the same process is being used for the local
roads.

Q Okay. I just want to make it clear. Maybe this is a redundant question, but I assume by your response that you are not submitting these maps to any of the local municipalities for their review, comment, or determination?

A (Bowes) That is correct.

Q If the SEC were to determine that a license from the towns and municipalities is necessary for you to do this work in the local roads, how much longer do you plan that process to take if that determination doesn't occur until the end of this case?

A (Bowes) I think you're asking for how long ultimately?

Q Um-hum.

A (Bowes) If that were to occur, it's a compound hypothetical. If that were to occur, it would probably add an extra month to the process.

Q How long has it taken for the iterative process with the State DOT with all the Exception Requests you've been making?

A (Bowes) So some have been approved rather
quickly, and some are still ongoing. So I think once the road right-of-way issues are clear, I think the process going forward with improved accuracy of submittals by Northern Pass, I think that process will be smoother than it has been in the past.

Q So again, how long has that process taken? When did you first start dealing with the DOT on the undergrounding in the White Mountain National Forest? Was that back in December? A year ago? That's really my question.

A (Bowes) Sure. I know in October of 2015 there was a submittal, and then the Application was submitted in that same time frame. So approximately two years with the DOT. I think there were preceding meetings to that as well over the course of maybe 12 to 18 months prior to that submittal.

Q So the Applicant's position is that while it takes the DOT and the Applicant approximately two years to work these issues through, the towns will be given one month if it's referred to the towns?

A (Bowes) I didn't say how long they would be
given. I said how long would it take for them
to review them.

Q Okay. So the month is just the review period.
A (Bowes) Again, you asked a compound hypothetical
question.
Q I did.
A (Bowes) I gave you an answer --
Q That's really not a question, and I withdraw it
and so we'll go to the next question.

If the State DOT at the present time is,
no. Withdrawn.

Am I correct that the State DOT has
deprecated to review any of the Applicant's
requests for work in the town-maintained roads?
A (Johnson). No, you're incorrect. We have not
submitted any requests in the town roads.
Q Didn't you submit requests to the DOT for survey
or sampling work in the roads, geotechnical
testing?
A (Johnson) So the geotechnical testing along the
town-maintained roads were done on private
property outside of the road right-of-way.
Q I understand. My question is did you submit
geotechnical testing requests to the DOT at any
time?

A (Johnson) So I was answering that, and the answer is no, because we're not on DOT land. On the geotechnical we produced the results of those geotechnical results for them. We also do not need to request the right for survey. That is a, anybody can go out and publicly survey a road.

Q I understand that, but I know that, I'm talking specifically about geotechnical testing. Am I incorrect that landowners were given notice that requests to do geotechnical testing in the road had been made to the DOT?

A (Johnson) For areas that are roads maintained by the DOT, yes. For areas that are maintained by the town, no.

Q Okay. Thank you. If the DOT assumes responsibility through whatever process for the work that the Applicants intend to do in town-maintained roads, will the state be taking over those roads for purposes of all future maintenance and care?

A (Bowes) I don't believe so, no.

Q So the towns will then be stuck or at least the
town taxpayers will be stuck with any of the
problems which might arise, and I know your
position is oh, we won't do anything that would
cause a problem, but if it should arise in the
future, the town will be stuck with that?

A (Bowes) So again, I can't answer what the town
would face in the future. A set of conditions
could be provided that are very similar to the
conditions set forth in the New Hampshire DOT
requirements.

Q Is the Applicant prepared to indemnify the towns
involved with your request to use
state-maintained roads to fully indemnify the
towns from all future problems caused by this
problem in those roads including any additional
maintenance and work that has to be done?

A (Bowes) So I think that's probably a question I
would want to review with our lawyers when I saw
the actual wording, but in general, I think
we'll willing to accept conditions that are
consistent with what the New Hampshire DOT has
for the local roads.

Q Then why wouldn't you go to the towns and seek
their permission to license your use of the
MR. NEEDLEMAN: Objection. That calls for a legal conclusion. It's been explained in the papers.

COMMISSIONER BAILEY: Mr. Baker?

MR. BAKER: I'm not asking for a legal conclusion. If they know an answer to the question that doesn't involve an interpretation of the law, they can give it. If they don't, they can say they don't know.

COMMISSIONER BAILEY: Are you able to answer the question?

A (Bowes) So if you could repeat the question again?

Q I don't know if I can do that. Can the court reporter read it back?

COURT REPORTER: "Then why wouldn't you go to the towns and seek their permission to license your use of the town-maintained roads right now and get on with it?"

COMMISSIONER BAILEY: Are you able to answer that question without a legal conclusion?

A (Bowes) I think so.
COMMISSIONER BAILEY: All right. You may proceed.

A (Bowes) Because we believe the SEC process should be followed in this case.

Q Thank you. That's on the record now.

Minor question arising from your testimony on Friday, and I'm not sure who said it, but you were talking about the need to cut scrub brush or scrub bushes along the side of the road in the White Mountain National Forest area that was the subject matter of the question. Can you tell me whether it was one of you that used that language or did I mishear?

A (Johnson) That was me.

Q Okay. What did you mean by scrub brush?

A (Johnson) So I think we discussed that was four inches or less diameter tree or shrub and any of the weeds or any kind of growth along the side of the road.

Q I think you also talked about the need to take care not to take down ornamental trees and shade trees.

A (Johnson) Correct.

Q How are you defining shade trees and ornamental
trees? Is there some reference that you look to
make that definition?

A (Johnson) There's no specific reference, no.

Q Is there any process that the Applicants have
developed to seek the landowners' input who's
involved as to whether or not they consider
something to be scrub brush or ornamental tree
or a shade tree?

A (Johnson) I would say not directly. However,
there will be construction outreach as we get
further into the design effort that will discuss
or show potential impacts.

Q Assume that the outreach is done and the
landowner says that scrub brush is not scrub
brush. That's an ornamental tree, and I don't
want it removed.

A (Johnson) It would have to be evaluated on a
case-by-case basis.

Q Okay. What will the process be to evaluate
that?

A (Johnson) Are there alternatives of design where
we can potentially come up with an Exception
Request to go back into the road? Would the
DOT, understand the merit of that or evaluate
the merit of that?

Q All right. Do you know at this point who
statutorily has jurisdiction to determine
whether or not that tree gets removed or that
scrub brush gets removed, assuming that the
landowner objects? And the question is do you
know.

A (Johnson) I'm assuming the SEC does as part of
this process by approving the plans or by
delegating that authority to the DOT.

Q I'm going to end my questioning here, and by
ending it, I don't want you to assume I agree
with your response, but I understand it. Thank
you.

COMMISSIONER BAILEY: Thank you, Mr. Baker.
I understand, Ms. Fillmore, you don't have any
questions; is that correct? Thank you.

Ms. Saffo, you're up next.

MS. SAFFO: If we can have the ELMO turned
on, please?

MS. GAGNON: The ELMO is on.

(Discussion off the record)

COMMISSIONER BAILEY: Why don't we take a
ten-minute break now.
(Recess taken 10:23 - 10:38 a.m.)

COMMISSIONER BAILEY: Are you ready, Ms. Saffo?

MS. SAFFO: I am. Thank you.

COMMISSIONER BAILEY: All right. You may proceed.

CROSS-EXAMINATION

BY MS. SAFFO:

Q Good morning. I'm starting with Grafton Exhibit now 43 which is 65 pages of the surveys. Do you recognize at least the top page of that?

A (Johnson) Not a specific location, but, yes, it's part of the survey report.

Q Okay. Thank you.

MR. IACOPINO: Did you say 43?

MS. SAFFO: Let me double-check. Yes.

Grafton 43.

BY MS. SAFFO:

Q And we all agreed that now you're redoing these documents, correct? The surveys?

A (Johnson) Correct.

Q And so these are no longer accurate, correct?

A (Bowes) No. I don't believe that's correct.

Q Okay. So if these are accurate, why are you
redoing them?

A (Bowes) Do you want me to repeat what we went over on Friday?

Q No, I understand, but for the purpose of lining this question so we know where the next set of question is going, fair to say you're redoing them to confirm the centerline, correct?

A (Bowes) No.

Q Are the easements accurately noted on these document, these 65 pages?

A (Bowes) Which easements?

Q The easement that you claim that you're able to, whatever word you use, that you claim you're able to construct on.

A (Bowes) Do you mean the DOT right-of-way?

Q Yes.

A (Bowes) So I think in most locations it is accurate. We've been asked to provide additional details including all the underlying supporting documents.

Q So you're maintaining that what you have listed on these documents as the DOT, I'll call it the DOT right-of-way, my understanding is it's a road prescriptive easement, but I'll put that
aside or the different kinds of easements, but your understanding is that's accurately reflected in this document?

A (Bowes) Yes, I think for the most part.

Q Okay. And, for example, for Route 116, you primarily used a four-rod layout, correct?

A (Johnson) Correct.

Q Okay. And Mr. Palmer showed you a document outlining a three-rod layout on Friday, correct?

A (Johnson) Correct.

Q And you'll look at that document in the future?

A (Johnson) Absolutely.

Q Okay. Now, in any event though, we're starting the survey process, and it won't be ready for 6 to 8 weeks, correct?

A (Johnson) Five to 7 now but yes.

Q In the meantime, so your work with DOT is in abeyance, correct?

A (Johnson) No. We continue to meet with the DOT on a monthly basis and continue to have discussions with them. They are reviewing a document, the draft survey plan, if you will, today, and we expect correspondence from them by the end of today or tomorrow.
Q But you won't have the survey ready for 5 to 7 weeks, correct?

A (Johnson) Correct.

Q Okay. Exhibit 44.

Now, I'm now showing you what is known as Grafton 44 which is the Conference Report from the September 19th, 2017, minutes. Do you see that?

A (Johnson) I do.

Q Were you present for that?

A (Johnson) I was.

Q Okay. And one of the things that it noted, I put an arrow where I'm reading from, is using existing and new research, right-of-way plans will show a geometrically correct survey centerline with stationing. The resulting right-of-way determination from the research, the station and offset to recovered monuments and key right-of-way points and annotation of the right-of-way basis with layout and record plans used. Correct?

A (Johnson) Correct.

Q And the right-of-way survey plans will show discrepancies between established right-of-way
location and other survey records such as deed
information to provide clarification if there
are questions between documents, correct?

A (Johnson) Correct.

Q And a survey report addendum would then be
issued explaining the process and providing the
above revised right-of-way plans, correct?

A (Johnson) Correct.

Q And when you complete that, will you be mailing
it to the individual landowners along the way as
part of your outreach?

A (Bowes) I don't believe so, no.

Q And why wouldn't you do that?

A (Bowes) It's the first request we've had for it.

Q Okay. So as the Grafton County Commissioners, I
would like to request that you mail those to all
the affected landowners along the way so the
Grafton County citizens are aware of what you're
claiming to be an ability to construct on land
that they may think is theirs. Can you consider
that as a request and do that?

A (Bowes) So I would consider it after the DOT
makes their determination.

Q And why wouldn't you want to tell these
landowners before DOT makes their determination about what you're claiming is your ability to impact their private property?

A (Bowes) I guess I would like to see the DOT's records in confirmation of our survey. They actually have the responsibility to determine the DOT right-of-way, not the Applicant.

Q Well, yes, but the private landowners have a right to look at what people are claiming is the ability to dramatically impact their property, correct?

A (Bowes) I don't know where that right exists.

Q Well, if we look at, this would be Grafton 32.

MR. IACOPINO: Before you go to them, can I just ask a question, Ms. Saffo. This exhibit that is on the screen right now is Exhibit 44?

MS. SAFFO: Yes. Grafton 44.

MR. IACOPINO: Is the report that last week you gentlemen said you had not seen yet?

A (Johnson) Correct. It was published late on Friday afternoon.

MR. IACOPINO: Okay. But you have seen it?

A (Johnson) I read it over the weekend, yes.

MR. IACOPINO: Thank you. Okay.
MS. SAFFO: I obtained it from the website, the DOT Northern Pass website.

MR. IACOPINO: Thank you.

BY MS. SAFFO:

Q So this is the Declaration of Purpose for New Hampshire RSA 162-H:1. And it says, "The legislature recognizes that selection of sites for energy facilities may have significant impacts on and benefits to the following." And the second one in is private property, correct? It starts with welfare of the population? And the very next one is private property?

A (Bowes) Yes.

Q So certainly the impacts on private property is something this Committee wants to hear about, correct?

A (Bowes) I don't know this document. It's the first time I've ever seen it so I don't know if it delegates jurisdictional responsibility to the SEC or not.

Q I don't think it's the first time you've seen it because I used it as Grafton 32, and we discussed it during the last time I was in front of this Panel, but this is New Hampshire law of 
the SEC.

A (Bowes) Fine.

Q So fair to say, though, it starts out by saying the, well, I won't re-read it. It speaks for itself, correct?

A (Bowes) I don't know what you want me to say.

Q Okay. So do you in looking at this statute think private property is an important consideration for the Site Evaluation Committee?

A (Bowes) Yes.

Q And do you think every private property owner along the 52 miles in Grafton County are aware of what you think DOT has the right to authorize you to do?

A (Bowes) I can't answer what every property owner along the route, what their thoughts are.

Q Okay. So doesn't it seem prudent that what you claim before DOT approves it should be shown as part of your outreach, as part of this wonderful outreach to the landowners so the landowners can give comment if they have any information to share?

A (Bowes) They can certainly share that information with us today. They would have done
outreach to them. If they have records, as I think Mr. Palmer shared with us, we'd certainly welcome that as part our design.

Q Mr. Bowes, last time I was with you we talked about the outreach to the citizens who did respond to your letter, didn't we?

A (Bowes) We may have.

Q Well, we did. And what we talked about was how some citizens did respond to your letters. In case you don't recall what you said last time, do you recall that some citizens did respond to your letters, correct?

A (Bowes) Yes.

Q And you met with those citizens, correct?

A (Bowes) Some of them I'm sure we did.

Q And some of them when you met with them when this Project began, fair to say you told them that the Project would be under the roadway, correct?

A (Bowes) Probably, yes.

Q And so they were under the impression that the Project was under the roadway, correct?

A (Bowes) We discussed this quite extensively on Friday as well.
Q  Um-hum. No, I know. I spoke to people to make sure -- never mind. Okay.

    Now, the accurate, an accurate centerline is vital, correct? We can agree on that?
A  (Bowes) Certainly.
Q  And it's particularly vital because regardless of what people think is the appropriate layout of the road, in many cases you count from the centerline how many feet you can go over, correct?
A  (Bowes) Go over for what?
Q  Well, for the, like, for example, if you're claiming a four-rod layout, you use the centerline as your starting point of reference, correct?
A  (Bowes) I would say we'd use the outside as our starting point of reference.
Q  The outside of what?
A  (Bowes) Outside of the right-of-way.
Q  Okay. So how do you determine the outside of the right-of-way?
A  (Bowes) Based upon the survey and the property records.
Q  And what does the survey in the property records
use as their starting point of reference?

A (Bowes) The historic documents that are available. The DOT plans.

Q Okay. Fair to say the right-of-way is a reasonable detail to have accurate, correct?

A (Bowes) Yes.

Q Fair to say a centerline is a reasonable detail to have accurate, correct?

A (Bowes) I've already responded yes to that.

Q Now, turning to the right-of-way plans, is it accurate to say that the Northern Pass is proposing that New Hampshire DOT right-of-way plans, applicable Commissioner's return of layouts, historic layout records, current landowner deed references to monuments, and other record plans referenced in the deeds would be used to establish the right-of-way?

A (Bowes) Yes. Mr. Johnson covered that extensively on Friday.

Q And reading from the September minutes, revised right-of-way survey plans will be submitted in segments for the Department review through Ms. Estaburg with copies to the Bureau of Right of Way; is that still correct?
A (Johnson) Correct.

Q And the Northern Pass will highlight or note areas of concern for more detailed Department review, correct?

A (Johnson) Correct.

Q And the Department anticipates 1 to 2 weeks to review a segment. That's your understanding of what they told you at the meeting?

A (Johnson) Correct.

Q So how many segments do you anticipate?

A (Johnson) Upwards of 12.

Q So it's 5 to 7 weeks to get them the survey plans, and then if there's 12 segments, between 12 and 24 weeks for DOT to review those segments, correct?

A (Johnson) Correct.

Q So that would put us, so we're October 1st now, to the end of January, correct? That's conservatively because that's if we're just saying 12 weeks instead of the 24 weeks to review.

A (Johnson) So the submittal process will occur on a rolling basis as the survey information comes in from the field. So the first submittal is
expected to be next week for this segment review.

Q So if the first segment's available for review next week, can you post that on the Northern Pass site for all of us to review it?

A (Johnson) Possibly, yes. I don't see why not. The DOT is going to post it to their website as they do --

Q Next week the first week will be posted?

A (Johnson) As they do for all submittals, yes.

Q Then if we start getting them next week, we're looking at 12 to 24 weeks from next week to get through all these documents, correct?

A (Johnson) Which would put us into the December, yes.

Q End of December because October, November, December, if we're at the one-week mark, not if we're at the two week mark, correct?

A (Johnson) Correct.

Q And if it takes two weeks, we're all the way into the end of March, correct?

A (Johnson) If they take two weeks, yes.

Q So as each segment becomes available, as part of your outreach can you mail it to the landowners
so they can review it?

A (Bowes) I think you've already asked us that and we said we'd consider that.

Q I'm trying to get a sense of the public outreach because it's something that Northern Pass Transmission is wanting the people along the underground route to rely on. So that's why this is an important question. I'm being told maybe. Is there any reason why you can't provide an answer to that?

A (Bowes) I think I have answered.

Q You've answered maybe.

A (Bowes) I've answered we'd consider that.

Q You'd consider it.

A (Bowes) After the DOT has ruled on it.

Q So you want the DOT to rule on it with your input but not the landowners' input?

A (Bowes) I think I've answered that as well. We welcome the landowners' input.

Q So you want the landowners to give you input and then you'll take the landowners' input into account, you'll decide how to put it in the report to DOT, and then DOT would make a determination on your report without the
landowners' direct input?

MR. NEEDLEMAN: Objection. This has been asked and answered, and these are also public documents that anyone can review and anyone can comment on.

COMMISSIONER BAILEY: Ms. Saffo?

MS. SAFFO: I don't think it's asked or answered because, quite frankly, there is probably 70,000 pages of public documents, and to expect a citizen along a road for 52 miles to be able to wade through all this information and find a document that is vital to their particular land when we're being told public outreach is a vital part of this process, I think the question is fair and needs to be asked and answered as opposed to we've already answered it.

COMMISSIONER BAILEY: Are you asking them if they would provide a copy of the documents on a specific property owner's, the document that applies to the specific property owner to the property owner?

MS. SAFFO: Exactly. I think segment 1 should go to the segment 1 property owners.
Segment 2 can go to the segment 2 property owners.

COMMISSIONER BAILEY: Did you understand that was the question?

A (Bowes) Well, she added a whole bunch of other things in that question of what we should be doing.

COMMISSIONER BAILEY: Why don't you try to rephrase it.

BY MS. SAFFO:

Q Can Northern Pass provide the segment 1 documents to the segment 1 landowners when you submit it to DOT?

A (Bowes) I said we would consider providing it to the landowners once DOT has ruled on it.

Q And why do you want to have DOT rule on it without the public's input first?

A (Bowes) I didn't say that.

Q Why would you agree to a process that would have DOT rendering a decision before the public knows that this document is out there about their personal property?

A (Bowes) I didn't say that either.

Q Okay. Why are you only considering this request
instead of doing it?

A (Bowes) Because I don't know the scope and scale of the request yet.

Q The scope and scale of the request is when you create a survey for DOT for segment 1, please mail it to the people along segment 1.

A (Bowes) I don't understand what the requirements to do that would be so that's why I say we would consider it. I said we'd consider it after the DOT has ruled on it.

Q So I'm not talking about legal requirements. I'm talking about just as part of your public outreach. Why wouldn't you mail a copy of what you consider to be the segment 1 accurate right-of-way survey to the individuals on the segment 1 right-of-way survey as part of your public outreach so those citizens, if they have additional information for DOT to consider, can provide it to DOT for their consideration prior to DOT making their decision?

A (Bowes) So I would say same as I've said in the past. I said we would consider it. And there's nothing preventing those private citizens from providing either the Applicant, or if they
choose not to provide it to us, to provide that
information to DOT today.

Q But you're in charge of public outreach, and
you're the one who's talking about your goals to
do public outreach.

A (Bowes) I haven't talked about public outreach
as part of this testimony this morning.

Q Okay. So now when you submitted your
Application, the design plan submitted had no
impact on adjoining landowners because the plan
was to put the lines under the roadway, correct?
I know this is asked and answered. I'm trying
to get through this quickly.

A (Bowes) So we covered this extensively with
other questioners on Friday.

Q I know.

A (Bowes) Would you like me to repeat the answer?

Q Yes.

A (Bowes) What was the question? Have we thought
that, the original plan showed much of the
alignment within the roadway. That is correct.

Q And when you had your community outreach and you
talked to the people who responded to your
letters, you didn't say it was up in the air.
You said this was the plan, correct?

A (Bowes) So we covered this on Friday. Would you like me to repeat the answer?

Q Yes. I would.

COMMISSIONER BAILEY: Just so yes or no, please.

A (Bowes) So we showed plans that had it within the roadway.

Q And so it's fair to say you submitted plans for 52 miles that you knew violated the UAM, Utilities Accommodation Manual.

A (Bowes) On Friday we talked at length about a letter that went to the DOT Commissioner in October of 2015.

Q Yes.

A (Bowes) That outlined our concerns and a general Exception Request to the Utility Accommodation Manual. It was filed as part of our Application to the SEC. I believe it's Appendix Number 9.

Q Yes. And the 30,000 pages in your Application, correct, and that's the document in front of you right now?

A (Bowes) I don't know how many pages that were part of the Application, but it definitely was
part of the Application.

Q That number, the number on the bottom here, do you recognize that number, the Bate number right here?

A (Bowes) I do not.

Q So NPT for Northern Pass Transmission, DIS 30067.

A (Bowes) It wasn't on the version I was looking at.

Q And this issue wasn't resolved before filing the Application, and it's still not resolved now, correct?

A (Bowes) Which issue is that?

Q That what exception, where you're going to exactly bury the line, where you're digging the hole.

A (Bowes) So, again, along the underground route portion?

Q Yes.

A (Bowes) So we have filed plans with the DOT, we're working through an iterative process with Exception Requests to satisfy both the Utility Accommodation Manual and any environmental or aesthetic impacts that would impact the Project.
Q: And iterative, that's moving forward towards the goal, correct?

A: Yes, to get issued for construction and final design, and then ultimately and final as-built design because changes will occur during construction as well.

Q: And you filed the over 100 Exceptions last summer, correct?

A: (Bowes) So I believe it was done since the April letter from the DOT listing the requirements, and we talked about this on Friday. I think there's been a total of 188 depending on how you count them.

Q: And now you've pulled those 188 Exceptions, correct?

A: (Bowes) So we had a chart on Friday that went through the status of each one of them.

Q: I have the chart.

A: (Bowes) So many have been approved. Many require additional information for submittal. And at this point, we have stopped the process to allow the DOT survey to continue and complete first.

Q: And when you say many -- it was answered on
Friday. Never mind. Okay. Now, that is an important point because I'd like to switch over to the computer screen, please.

So I'll represent that this is Google maps, okay, so it's like Google maps that anybody can pull up on the internet, and we tried to outline the various Exceptions as they impacted Grafton County, and using our best ability which was generally a road, street number, marked all the different Exceptions, correct? Well, you can't say exactly what this is. So I appreciate the Exceptions and appreciate trying to track them and that's part of the reason why we're back here today, correct?

A (Bowes) I think it was for other reasons. I don't think it's to track the Exception Requests.

Q I'd like to go up to, for example, just take 125 as an example. While that's being called up, if you're a landowner and there's an Exception Request on your property or near your property, you're at least an adjoining landowner, do you think it's important for that landowner to know about this Exception Request involving their
A (Bowes) I think once the final design is complete, yes.

Q So as part of your outreach to the public, you don't want them to be able to provide their input before the final design is created, correct?

A (Bowes) I know we've covered this a couple times already. We'll welcome their input, and they can go, either go to us. If they choose not to, they can go directly to the DOT.

Q And as part of soliciting their input that you welcome so much, have you sent the people who have one of these 188 Exceptions involving their property, have you sent them a copy of the Exception?

A (Bowes) Not until they're ruled upon. We have not.

Q So you want them to be ruled upon and a final decision to be made before the public has an opportunity to provide input on it.

A (Bowes) I didn't say that.

Q You expect the public to weed through 188 Exceptions to see if their land is somehow
involved in the process on their own accord, correct?

A (Bowes) I didn't say that either.

Q How else would you expect the public to learn that there's an exception involving land that involves them?

A (Bowes) So they can reach out to the Project at any time.

Q So how do you expect them to know? You expect them to call you and ask you?

A (Bowes) I didn't say that.

Q You said they could reach out to the Project at any time, correct?

A (Bowes) Yes.

Q And citizens did that, correct?

A (Bowes) Yes.

Q And when they reached out to you --

A (Bowes) And continue to do so.

Q When the citizens reached out to you and you told them that it was under the roadway, how do you expect them to know to keep reaching back out to you to say oh, was what you told us before still correct?

A (Bowes) Most of the Exception Requests deal or
discuss going back into the roadway.

Q I realize that. But it also meant that if the exception isn't granted, they're going back out of the roadway and that would be into somebody's adjoining land, correct?

A (Bowes) Not necessarily.

Q Of all These 188 Exceptions, if you're not granted the exception, is a possibility going into the adjoining landowners' land?

A (Bowes) Within the DOT right-of-way on the shoulder, in the ditch line, yes.

Q So again, in the beginning people reached out to you which is what you're saying they need to do, correct?

A (Bowes) I understand the question. I believe I've answered this question.

Q I don't believe you have in the context of the Exceptions. So people have reached out to you, you told them information which is that it would be under the road and not to worry about their land, correct?

A (Bowes) Let's use a specific example. Not a hypothetical. Is there a specific land owner we can talk through?
Q I don't want to put any individual landowners on
the front line on this, but you have told me the
last time you testified that Northern Pass did
tell landowners not to worry, it was under the
road. That's what you said to them when they
reached out to you and when they asked about
their private property. They were told it was
going under the road.

A (Bowes) So I agree with the last part of your
statement but not the first part.

Q Okay. Do you agree that landowners reached
out -- we're going to take it again one step at
a time. Do you agree that landowners reached
out to you in response to your letters?

A Some did, yes.

Q And of the some, do you agree that you told them
it was going to be under the road?

A (Bowes) At the time when we talked with them,
the existing design as submitted to the DOT was
under the road.

Q Did you tell them that that existing design that
was submitted to DOT violated the Utilities
Accommodation Manual so you needed permission to
keep it under the road?
A (Bowes) I don't know if we did or not.
Q And then having had that conversation with them, told them what the existing plans showed, which was going to be under the road, having left that conversation, walked away from that landowner, when the plans changed, did you go back to those people and tell them that you were not allowed to go a hundred percent under the road?
A (Bowes) So we've had a very public process with the DOT.
Q No. My question is not about your public process. It's the people who reached out to you who you met with who you told, gave information to, did you go back to those people and explain that the information you gave to them was no longer accurate?
A (Bowes) I don't know.
Q Now, one area that's a significant project is the microtunnel at Gale River, correct?
A (Bowes) I would say it's a significant part of the Project.
Q Yes. And it's a significant Project in its own accord, correct?
A (Bowes) Maybe you could better define what you
mean by a Project then.

Q  Well, drilling under a major river is a significant endeavor in a community, correct?
A  (Bowes) Yes. I would agree with that.

Q  Okay. Now, it initially started as an HDD and then it became a microtunnel, correct?
A  (Bowes) That is the latest design, yes, submitted to the DOT.

Q  And now we're being told that it might become an HDD after all, correct?
A  (Bowes) So our constructor and the DOT have had conversations, and they believe they may have a viable alternative. It has not been submitted yet to the DOT.

Q  Now, exactly what you do at that location, that's a significant location to the town of Franconia, correct? Will you agree to at least that?
A  (Bowes) I believe it is. Yes.

Q  It's smack-dab in the middle of their downtown, correct?
A  (Bowes) So I think it's to the south of the downtown area, but it's clearly a major intersection within the town.
Q  Right off the highway exit. So how long you're
there and what you do at that location impacts
the other concerns for the SEC, correct?
A  (Bowes) Are you referring to traffic management?
Q  Certainly traffic management. But also it would
impact the economics of the town of Franconia,
correct?
A  (Bowes) I'm probably not the best witness to
answer that, but I could see how it might.
Q  Okay. Now, I want to give you just an example.
I know you just had some so I don't want to
rehash what you had on Friday, but this is the
Exception Request for 125. Numbered 125. And
this is on Route 116. Do you recognize that
area at all?
A  (Bowes) Generally, yes.
Q  And so you have the entrance area. Which side
is the entrance area? The top of the screen or
the bottom of the screen?
A  (Bowes) I'm sorry. The entrance area of the
roadway?
Q  No, for the HDD pit.
A  (Bowes) Hold on just a sec. We'll pull up the
Exception.
Q Thank you. I'll get it, too.

A (Bowes) So the entry for the HDD appears to be the top right-hand corner in the exit on the bottom or in the middle of the diagram.

Q Yes. And you need a particularly long HDD there because water goes along the road there, correct?

A (Bowes) Yes.

Q In fact, kind of a stream meanders along the road kind of like the Pemi meanders along the road. You can't tell on Google Earth right there because the trees cover it, but I assume your Exception Request notes the stream, correct?

A (Bowes) It does.

Q And on one side you have a stream on the right past a guardrail and then on other side it's a pretty steep roadside, correct?

A (Bowes) Yes. We're looking on page 5 of 9, if people are interested. It appears to the south, and it drops off quite rapidly.

Q That's kind of one of those areas that like you can't really go to one side or the other of the road because you have a steep embankment on one
side and you have a stream on the other, correct?

A (Bowes) Correct.

Q So how wide is the HDD entrance pit that you're requesting?

A (Bowes) About four feet by four feet.

Q And then the exit area.

A (Bowes) It would be the same size. Four feet by four feet.

Q And the length?

A (Bowes) I would say approximately 800 feet.

Q I'll let the Counsel for the Public point out which exhibit it is on the record.

MR. PAPPAS: For the Committee's benefit and everybody else, this is Counsel for the Public's Exhibit 562 which is Exception Request 125.

BY MS. SAFFO:

Q Now, the construction area needed for the four by four hole is what?

A (Bowes) The temporary work area for construction is shown on page 9 of 9.

Q As what?

A (Bowes) It's a rectangular-shaped area.
Q About how big?
A (Bowes) Approximately 30 feet wide.
Q 30 feet wide by what?
A (Bowes) And about 330 feet long.
Q Okay. So you have to fit a 30-feet wide area on this road that is, doesn't have 30 feet, correct? You have to take down trees for the construction area? Mature growth?
A (Bowes) We don't show any trees being removed at this location.
Q Okay. So for the record, you're saying there is 30 feet by 300 feet available for construction right there without removing any trees?
A (Bowes) So the plan shows on page 9 of 9 the exact layout, and we don't show any trees being removed there.
Q Okay. So if the road is 24 feet and there's trees immediately on one side, where do you expect the 30 feet to be?
A (Bowes) As shown on the diagram. We can bring it up.
Q No. I've seen it. We actually have a picture of it right now.
A (Bowes) Maybe we can show it and we can just
walk through it?

Q Okay. So you're saying for all the Exceptions that you have right there, there is 30 feet at that location without removing trees.

A (Bowes) Just speaking of the Exception Report 125.

Q Well, no. Well, I presume you're standing by your Exception Report as being accurate.

A (Bowes) For 125?

Q Yes.

A (Bowes) I don't know if it's one that they've asked for a resubmittal for more information or not.

Q Okay. So is it fair to say that you might have submitted it without noting mature tree growth that would have to be removed to create a 30-foot work zone?

A (Bowes) It's possible, but like I say, it does not show on this diagram.

Q Now, from the beginning, from the beginning the Grafton County Commissioners simply asked for details of the plans, correct? Is that your understanding?

A (Bowes) If you have a document to refresh my
memory, I'll be glad to look at it.

Q Well, are you aware they attended public
hearings?

A (Bowes) Specifically, no.

Q I'm showing you what will be Grafton 47. I
apologize. This is a re-mark. It might have
been marked earlier, but if we could switch --
thank you.

These are the Interrogatories by the
Grafton County Commissioners, and this is the
very first request.

"Please provide any and all surveys, plans,
communications, and engineering documents
current at the time of the Applicant Response
which detail the planned specific path of the
buried lines in quantified relation to the
current road, sidewalks, and buildings
(including the location of the splice pits,
specific distances and depths of the line)
within Grafton County, including information
regarding the extent of interference with and
plans for mitigation of said interference with
existing infrastructure."

Do you see that?
Q And the last line, it is expected that the detailed design will be completed by late 2016 or early 2017. Do you see that?

A (Bowes) I do.

Q Are you aware of the many pleadings where Grafton County said let's suspend the process until we get better plans? Has that been brought to your attention?

A (Bowes) I know that I've seen one motion that was filed that's the subject of why we're here today.

Q Okay. And would it surprise you that prior to that we said can we just hold things in abeyance until we get better designs and as soon as we get better designs we can start right up again?

MR. NEEDLEMAN: Objection. How does this relate at all to the subject of the order recalling these witnesses?

COMMISSIONER BAILEY: Ms. Saffo?

MS. SAFFO: I'm setting up the next question which is how does the Grafton County Commissioners evaluate the impact on the communities if they don't know this information.
COMMISSIONER BAILEY: Why don't you just ask that question.

BY MS. SAFFO:

Q So how does the Grafton County Commissioners evaluate the impact on their communities if they don't have a plan that shows them where things are going to be buried?

A (Bowes) So we have submitted a plan that was deemed complete by the SEC. We continue to work with the DOT, receive their conditions. It will be an iterative process as we go back and forth dealing with Exceptions or, as I mentioned before, when we find things during construction, there will have to be modifications to the plan made. Holding a certificate for final detailed design engineering is not a part of the process that I'm aware of in any state. It's not part of the process here in New Hampshire either.

So going forward with an approval with a layout is what's required in most jurisdictions, and then you delegate that responsibility and, obviously, in this case the New Hampshire DOT is doing a very thorough job in reviewing our plans, finding discrepancies, providing
solutions, that would ease both use of the road as well as customer impacts. I think you can rest assured that the New Hampshire DOT is doing a thorough job in reviewing our plans.

Q So Grafton Exhibit 45, this is from the DOT Northern Pass website, and, absolutely, I don't think anybody would dispute that the DOT is doing a good job getting through this material. However, where I've underlined it, they write their second role. The first is a member of the Committee to decide whether or not a new energy facility will be permitted. Do you see that?

And then it goes on to say the second role is as a state agency that has permitting or other regulatory authority but only, and please note the word only there, as it relates to the proposed Project and impacts to transportation assets. Do you see that?

A (Bowes) Yes, I do.

Q And that makes sense. DOT does transportation. That's their bailiwick. That's their expertise, correct?

A (Bowes) Yes, it is.

Q But Northern Pass is so much more than
transportation, and I was going to say just transportation, but transportation is a huge deal, and an important deal so to put the word just in front of it is not correct. Northern Pass has to deal, the Site Evaluation Committee has to deal with things that transportation doesn't deal with. They have to deal with the welfare of the population, correct?

MR. NEEDLEMAN: Objection. Same argument. I don't see how this relates to the subject of the recall.

COMMISSIONER BAILEY: Ms. Saffo?

MS. SAFFO: Yes. The subject of the recall is the design keeps changing and the plans keep changing and I've got the order. As I understand it. Now we've got Exceptions but now the Exceptions have been withdrawn, and then we're told they're going to be redrafted and now we're being told since the order was issued or least since the motion was filed that the surveys are going to be redone and the easements are going to be redrafted. It is incredibly important, and that's the whole point, is that it looks like the plan is for there to be no
plan and then delegate it to one of the state agencies as opposed to all of the agencies in the Declaration of Purpose.

COMMISSIONER BAILEY: I think that's an argument, and you can put that in your brief when we get there.

MS. SAFFO: Okay.

COMMISSIONER BAILEY: So I guess the objection is sustained.

MS. SAFFO: I'll move on. You've gotten me to speak and I'll move on.

BY MS. SAFFO:

Q Do you have a plan for how DOT is going to evaluate aesthetics of your designs as they develop?

A (Bowes) So just so I understand the question, do we have a plan for how the DOT will do something?

Q Yes.

A (Bowes) No. We do not.

Q Do you have a plan for what kind of information you plan on submitting to DOT about aesthetics?

A (Bowes) So we agreed on Friday that we would submit Exception Requests for the portion of the
highway that was scenic, cultural highways, as well as approximately less than one mile where it's not. We're going to treat the highways for the underground portion in the same manner for the DOT roads, and we would be submitting Exception Requests that deal with mature trees.

Q And do you have a plan for how you're going to protect private, how you're going to give DOT information about private property rights when you submit information to them as part of this process?

A (Bowes) Yes. That's the protocol that Mr. Johnson talked about that we expect to get from the DOT in the next few days.

Q Which is you tell -- never mind. Strike that. Do you expect DOT to raise as part of its approval process down the road aesthetic concerns, private property concerns, overall economic concerns, historic site concerns and water quality concerns?

A (Bowes) Some of them, yes.

Q Some of them no?

A (Bowes) Some of them I'm not sure it's their responsibility.
Q So which of those would you, and you can look at the Declaration of Purpose for a list. Which one of those would not be their responsibility?

A (Bowes) So I think most of the environmental discussion would take place if the Exception Requests were not granted. And as I said, I think the last time I spoke there may be some discussions jointly with New Hampshire DES and New Hampshire DOT to reconcile what we believe would be differences between the permit requirements.

Q Okay. So that takes care of transportation, environment. What about welfare of the population?

MR. NEEDLEMAN: Objection. This calls for a legal conclusion.

MS. SAFFO: No, it doesn't. It's their opinion as the people heading construction, submitting plans in this process that they keep saying is iterative, that is entirely what they're doing.

MR. NEEDLEMAN: I disagree. Asking these witnesses how the SEC intends to implement portions of the Declaration of Purpose of the
statute is the essence of a legal conclusion.

MS. SAFFO: I'm not asking him what the SEC is going to do, and I'm not asking him what DOT is going to do. I'm asking him what information is he going to provide and who does he expect to be watching out for these interests.

COMMISSIONER BAILEY: That's a fair question. You can answer it.

A (Bowes) So I think the original was originally around welfare of the population.

Q Um-hum.

A (Bowes) I think DOT has that, based on the experience I've had both in this state and other states. I believe that's their primary focus is the safe, safety of the public, the welfare of the public when they're using the transportation facilities as we have asked to do for the underground portion of this line. So I think there's complete alignment between the Project and the DOT on welfare for the population.

Q Well, this doesn't say welfare of the population as it relates to transportation only, does it?

A Again, I don't think it does, but I'm not sure what the legislature's intent was.
Q Who do you think is going to protect the private property interests as this process goes forward if the SEC fully delegates --

MR. NEEDLEMAN: Same objection.

COMMISSIONER BAILEY: Yes. I thought the question was what did you provide to the DOT or what will you provide to DOT.

MS. SAFFO: I apologize. If you can read back my last question. What will you provide to DOT.

COMMISSIONER BAILEY: The question that was asked before I ruled on the last objection.

COURT REPORTER: I'm not asking him what the SEC is going to do, and I'm not asking him what DOT is going to do. I'm asking him what information is he going to provide and who does he expect to be watching out for these interests. And you said that's a fair question. You can answer it.

COMMISSIONER BAILEY: What information are you going to provide to DOT with respect to these issues listed in this part of the statute?

A (Bowes) Okay. So for welfare of the population, we will prepare a Traffic Management Plan or
equivalent and submit that to make sure that during construction, we're protecting the public in accordance with their requirements. For the design itself, we'll make sure it meets all of the requirements of the applicable standards and codes; whether it's, again, a highway crossing for the overheard portion or whether it's an underground alignment next to or within the roadway itself. For private property, the DOT has asked us to provide a survey to submit for their review and approval. That's how we'll protect private property rights as far as the design goes.

During construction, we'll have a construction management process that will respect the individual's property and as stated in the letter we've sent to property owners, to try to restore their property to a better condition than when we found it. The location and growth of industry is probably a question better for another witness than for this Panel.

The overall economic growth of the state, you know, we've touched on that very briefly with this Panel. Talking about the number of
construction jobs and the type of construction jobs that would be created. So that's probably the only role that we could speak to with this Panel. Environment of the state, we've talked about that balance of keeping things, whether it's on the overhead portion of the right-of-way, making the right-of-way as narrow as possible by our designs, including using a V-string design, a certain voltage, using a type of technology that is different than other HVDC systems that, again, limits both structure height and width of the right-of-way.

For the underground portions, we've talked about trying to maintain in disturbed soil areas when we do our construction and minimize disturbance to soils that have not been previously disturbed. Sometimes that's associated with being in the roadway or adjacent to the roadway. And I spoke of that process that we may use to resolve conflicts between Permit Applications with the New Hampshire DES and New Hampshire DOT.

The historic sites, I think we've asked for Exceptions and will ask for Exceptions for the
underground route if we're too close to an obstruction. We spoke on Friday of some of the barns, stone walls, things like that that we would try to avoid, and we would use the exception process to do that.

Aesthetics, we spoke a lot on Friday on the underground portions of the line where we'd go forward with a series of Exception Requests that deal with taking of mature trees along the underground route. And we would look for potentially even conditions set forth by the SEC that would limit taking of any trees along the underground route.

The air and water quality we have some significant requirements in the DES Application for during construction where we have to maintain water quality, stay within the permits. Air quality, we've identified there are temporary air quality impacts during construction. What the nature of the generation source as well will have significant benefits for air quality for all of New England and beyond.

The use of natural resources in much of the
Project is aligned along either existing rights-of-way, about 100 miles, or 52 miles in State roads and the 8 miles in the North Country so another 160 miles in total is in areas that have previously been disturbed or previously for transmission line use.

Impact for natural resources, for example, wetlands for this Project is very minimal. About two and a half acres of permanent wetland impact. So again, that's part of the natural resources. We've gone forward with the National Fish & Wildlife Foundation and identified several species in New Hampshire where we're providing grants to local universities and nongovernment organizations.

Q Okay. You don't need to go into that at this point.

MR. NEEDLEMAN: Wait. The witness should be permitted to finish the answer.

Q That's okay.

COMMISSIONER BAILEY: Go ahead and finish.

A (Bowes) So in the public health and safety, we are going to maintain all of our activities in the design phase within the National Electric
Safety Code. The various FAA regulations for the overhead portion of the line. We've petitioned the FAA and got responses on those of what we need to do for tower identification, for example. All of our road crossings have gone through the public utility process. Received approval for those. Again, with a determination that they will be safely installed. And we've set forth a construction and maintenance plan that will ensure the operation of the line over its life maintained in accordance with Eversource standards and industry best practices.

Q Done?
A (Bowes) I am finished. Thank you.
Q And all of this has been done pertaining to the 52 miles in Grafton County with no assurances as to exactly where the hole is going to be dug.
A (Bowes) I disagree with that statement.
Q Where is the hole going to be dug?
A (Bowes) So, again, I'm not sure what hole you're talking about.
Q I'm talking about the line. Where you're planning on burying the lines. You've
identified some HDD locations. You've identified some splice vault locations. But where this line is going to be buried, landowners still don't know if it's going to be on the right side of the road, or the left side of the road, or even in the middle of the road.

A (Bowes) If you select a specific location, I will tell you where it will be located. You're dealing with hypotheticals that are just misrepresenting what we've proposed in this Project.

Q I have repeatedly asked if you're going to the right side of the road or the left side of the road and been told we don't know.

A (Bowes) Where would you like to know?

Q For the record, Exhibit NAPOBP 32. 979 Easton Valley Road.

A (Bowes) We'll be in the roadway here to the right of the white line.

Q You'll be in the road.

A (Bowes) Yes.

Q Have you gotten the approval of that?

A (Bowes) We have not got a final design approved at this point. That will come with the final
design approval.
Q  Exactly.  You're hoping to be in the road.
A  (Bowes) I did not say that.
Q  Well, you haven't gotten design approval.
A  (Bowes) That is correct.
Q  1372 Easton Valley Road.
A  (Bowes) So in this location we are proposing a
8    splice vault in the previously disturbed area in
9    front of the Franconia Inn.  We have had
10   outreach to the Franconia Inn, and they have not
11   responded to us.
12   Q  Have you mailed them the diagram of where you
13   want the splice vault to go?
14   A  (Bowes) We have reached out both with mail and
15   telephone.  I do not know what was included in
16   that correspondence.
17   Q  Have you mailed them anything more than the
18   generic letter that you've sent to everybody?
19   A  (Bowes) We have reached out to them, yes, by
20   telephone.
21   Q  Have you mailed them a picture of the splice
22   vault that you plan on putting, NAPOBP 25, in
23   between their pool area and the Inn?
24   A  (Bowes) Have we mailed them this diagram?
Q Yes.
A (Bowes) I do not know.
Q Have you given them any details?
A (Bowes) We've offered to, yes. If this is an informal request to relocate the splice vault, we will certainly consider that.
Q And where would you put it?
A (Bowes) We would have to evaluate where it would go. It would go somewhere, a couple hundred feet either to the north or to the south in this location. Right now this is a very good location to select because it's previously disturbed soil. We can also work with this commercial customer in a manner that suits their needs as we have with many other customers in the past that deal with the temporary impacts that they will face.
Q Another splice vault location. Tamarack Tennis Camp. Have you reached out to Tamarack Tennis Camp and sent them the design of what you want to do on their property?
A (Bowes) So what I would say, no, I don't know if we have or not, what the actual design is. We spoke quite a bit about this barn location on
Friday.

Q I know.

A (Bowes) The representation you have on B is not correct.

Q The representation on A?

A (Bowes) Nor is A correct.

Q It's correct in that adjacent to the road there is going to be a long hole, correct?

A (Bowes) But it's not represented properly and there's not two splice vaults going at this location.

Q And that was from the beginning it was represented that this would be a one splice vault location. So the hole, where do you expect to go in reference to the white line?

A (Bowes) So at this location, it would be approximately 14 feet in total, and it would be not directly in front of the barn, but it would be relocated closer to where it says "splice vault."

Q But then the actual hole for the trench would continue down the road, correct?

A (Bowes) It would be off-road, I believe, in this location as you tried to represent in section A
above.

Q  And you talked about the Traffic Management Plan. Ms. Farrington. Fair to say that depending on whether, fair to say when you spoke last time you didn't have a traffic management plan for 116 or 112 that would involve diverting the traffic around it, correct?

MR. NEEDLEMAN: Objection. How does this relate to the subject of the recall?

Q  I'll go to the next question. How many construction teams do you anticipate having in Grafton County on the underground route at any given time once construction begins?

MR. NEEDLEMAN: Same objection.

COMMISSIONER BAILEY: How does this relate to why the Panel was called back today.

MS. SAFFO: Because once again it goes into the fact that these design plans keep changing and they keep modifying, and whether, for example, you have a microtunnel or an HDD or exactly where you're going to be putting these particular vaults impacts the time frame work is going to take. That impacts the time frame that in turn impacts the economic development of the
region. When they're going to be doing this, when they plan on doing it, and the fact that we don't have a plan yet and we have rolling Exceptions shows we don't know the answers to those questions.

COMMISSIONER BAILEY: I think you need to ask him about a specific location where there's an Exception Request.

MS. SAFFO: Okay.

BY MS. SAFFO:

Q Can we switch back to the screen? Thank you.

While we're doing that, so the 52 miles and some of these exception areas that you're requesting, you're going beyond the areas previously disturbed, correct?

A (Bowes) For the Exception Requests, I don't believe so.

Q So the purpose of the Exception Requests is to try not to go beyond the areas previously disturbed, correct?

A (Bowes) Or to go back within the pavement area, yes.

Q So if these Exception Requests are denied, then you are going to be going into areas that have
not been previously disturbed, correct?

A (Bowes) It's possible because, again, we're planning to go in the shoulder or the ditch line. If we go outside of the ditch line, I would agree with that.

Q Okay. And, for example, in looking at 125, which we were looking at before, and for any of the HDD Exception Requests, you admit you need a staging area of 30 feet wide, correct?

A (Bowes) In general, yes.

Q So if you're not in the road, you're outside of the road, correct?

A (Bowes) Yes.

Q And if either that area was previously disturbed in which case it's most likely somebody's yard or a driveway or something, correct?

A (Bowes) In this case, maybe we should speak to this one?

Q Yes.

A (Bowes) In this case we're not impacting any driveways.

Q No, you're not impacting any driveways, but you still have to find 30 feet without closing down the entire road, correct?
A (Bowes) We don't plan to close the entire road, and you are correct we would need 30 feet.

Q And so if right where 125 is there's a stream on that side, then you can't impact the stream, correct?

A (Bowes) As the design shows, we would not impact the stream.

Q So then you have to go into the road further than the width of the road, correct?

A (Bowes) Do you mean lane or do you mean road?

Q The lanes are how wide?

A (Bowes) I'm trying to get to the first question.

Q I look at a road as two lanes.

A (Bowes) So we're not going to take the entire road if that's what you mean.

Q So where are you finding the 30 feet?

A (Bowes) Page 9 shows it very clearly of where we're going to be, and it takes approximately one travel lane, and in this case it is area to the south.

Q So it's one travel lane which is roughly 12 to 14 feet plus an additional 18 feet past it, correct?

A (Bowes) Plus the shoulder, the ditch line, so it
would be some area that is outside the ditch line probably.

Q And there's, okay. Now, you noted that the construction will respect property lines, right?

A (Bowes) I believe I said something like that. Yes.

Q So the Exceptions have us going into the roadway, correct?

A (Bowes) For the most part. For this one, yes.

Q And if the Exceptions aren't granted, you're now in the property of the people, correct?

A (Bowes) We would be further off the roadway so it would have more impacts to the land adjacent.

Q And if the final design calls for going into a private property's front lawn, what can that private property do to change that design?

A (Bowes) So we can work for an Exception Request with the New Hampshire DOT.

Q And you would do this after the final design has been approved?

A (Bowes) Yes. We anticipate that there will be Exception Requests after the final design.

Q But these are areas where you've already asked for an Exception Request and the DOT has said
no.

A (Bowes) Not necessarily. The one, the example you gave, I was assuming, was something that had never been requested before.

Q Now, what if it's something that was requested before, it was denied, and then you go to a landowner and say this is final design, and the landowner says no? What are the options?

A (Bowes) It would be best to deal with a specific example.

Q How would you handle that situation?

A (Bowes) Let's say it was a HDD design.

Q Um-hum.

A (Bowes) We would look to relocate a portion of either the sending or receiving location to change the construction work area if we could. We'd certainly look at it. If we can't, unfortunately, we would have to go forward with the design as presented.

Q So once again, it's best to get the landowner's input now, not later.

A (Bowes) Like I said, we have put out a design, preliminary in nature. We are looking for feedback. We have solicited feedback from the
residents along this roadway, and as we receive requests, we certainly go out and meet with those customers and talk about the impacts. An example was on Friday the Schoolhouse Restaurant. We have had conversations with the Schoolhouse Restaurant.

Q Okay. So as far as you're concerned, the current design has reasonable detail, correct?

A (Bowes) It's a preliminary layout. We are going forward with an iterative process to achieve a final design.

Q Okay.

A (Bowes) Very common process used in siting underground transmission projects.

Q So right now you have a preliminary layout. Do you feel it has reasonable design?

A (Bowes) So I think we said on Friday we're about 60 percent design level. As an example, in the months of August and September, we sited two other transmission line projects with what I would say would be a 20 percent design level.

Q So one of the other things that's changed is the order of hiring. So the order of hiring now is nonunion, I mean, is union New Hampshire, and
then previously then nonunion New Hampshire was
going to be hired, correct?

MR. NEEDLEMAN: Objection. This is beyond
the scope.

COMMISSIONER BAILEY: Sustained. It is
beyond the scope.

BY MS. SAFFO:

Q So you're familiar with the Petition October 16,
2015, correct? That's in front of you right
now?

A (Johnson) We don't have it yet. Hold on.

A (Bowes) Yes.

Q Is it your position that any State road is fair
game to become an energy corridor for
transmission as opposed to distribution lines?

A (Bowes) I can't say that I've ever distinguished
the two. So I would agree with that statement.

Q Okay. So any State road in New Hampshire is
fair game to become an energy corridor?

A (Bowes) So you said transmission the first time.
So energy corridor, I'm not sure I understand
what that -- that's a nontechnical term.

Q I'll strike the question.

And do you feel that any of the work that
you're doing in your current plan would impact Route 112's road scenic quality? Would it invariably alter it? Do you think any work in your current proposal.

A (Bowes) So I'm going through the process to understand the question, and I would say we will have no permanent impacts to visual quality. There will be temporary impacts during construction.

Q And you agree that removing mature trees would impact visual quality?

A (Bowes) I would agree with that.

Q Now, your aesthetics expert, Mr. DeWan, claimed that he was relying on a reference of not going more than 6 feet off the shoulder, correct?

MR. NEEDLEMAN: Objection. I'm not sure that's what he testified to, and I certainly don't know the context.

Q So if Mr. DeWan said he analyzed aesthetics based on an understanding that you would not be going more than 6 feet off a shoulder or a ditch line, do you know where he would have gotten that information?

MR. NEEDLEMAN: Same objection.
COMMISSIONER BAILEY: Do you have a transcript reference?

MR. SAFFO: I can actually find it. That's absolutely what Mr. DeWan testified to, but I think I can use it as a hypothetical and then --

COMMISSIONER BAILEY: Okay. Why don't you do that.

BY MS. SAFFO:

Q Hypothetically, if Mr. DeWan said he was relying on a presumption that you would not be going more than six feet off a shoulder or ditch line, would you think that was an accurate assumption to make?

A (Bowes) Again, this is an assumption for the visual impacts from the underground construction?

Q This is the aesthetics expert. This is your aesthetics expert's assumption.

A (Bowes) I'm trying to get what your hypothetical is about. It's about the underground portion of the line.

Q Just underground. Absolutely.

A On state roads in Grafton County?

Q Yes.
A (Bowes) So I would agree that our analysis is consistent with actually I think five feet off the shoulder and ditch line so it's a little bit within what his testimony was, provided that was his testimony, the analysis we did, Mr. Johnson discussed on Friday, of the visual impacts along scenic roads and nonscenic roads, I think it's consistent with his measurement criteria.

Q Okay. Are you willing to limit your Application to five feet off the shoulder and ditch line?

A (Bowes) I'm not sure what the Application means. That's the only word I'm struggling with.

Q Okay. Are you willing to limit a design presented to DOT to no more than five feet off a road shoulder or ditch line, whatever the undisturbed area is. And sometimes there's no shoulder and ditch line?

A (Bowes) I would say in general, yes. There may be an exception to that. We can't think of one right now. But I think with an Exception process to that, I think that would be an agreeable condition.

Q And then for all the HDD areas on the underground portion in Grafton County. Can you
do the HDD in less than five feet off?

A (Bowes) Not the temporary work space. So that would be an area where we probably couldn't meet that condition.

Q And then for the vaults, the 130 vaults in Grafton County, can you meet that condition?

A (Bowes) Subject to check of the latest design, I think we could.

Q So I've underlined a part that all entities planning to construct facilities in the state be required to provide full and complete disclosure to the public of such plans. Do you see that?

A (Bowes) I do.

Q Do you think those plans need to be disclosed prior to the public hearings?

MR. NEEDLEMAN: Objection. Calls for a legal conclusion.

Q In your opinion, should they be disclosed prior to the public hearing?

MR. NEEDLEMAN: Same objection. Asking for his opinion about what the legal requirements are.

MS. SAFFO: I'm not asking for legal requirements. I'm just asking for his opinion
as part of public outreach in the public hearings.

COMMISSIONER BAILEY: Can you tell me how that's within the scope of what we're here for?

MS. SAFFO: Because, again, we're here for because we've added Exceptions, we've changed Exceptions, now we've withdrawn Exceptions, but we've already had the public hearings. So the fact that the Exceptions keep changing after the fact and now we have a whole new survey being done, I think it's entirely relevant because this is occurring after the public hearings.

COMMISSIONER BAILEY: Well, if you think it wasn't done, couldn't you argue that in your brief?

MS. SAFFO: I certainly can. I wanted to know his opinion as to whether these public hearings should occur as one of the people in control of this Project and in control of the construction process.

COMMISSIONER BAILEY: Why don't you ask them if they have occurred.

BY MS. SAFFO:

Q Was there full and complete disclosure to the
public of the plans for the construction of facilities in the state prior to the public hearing?

A (Bowes) So maybe I can just ask a clarifying --

Q Sure.

A (Bowes) When do you think the public hearings began?

Q For example, the one at Loon Mountain in Grafton County.

A (Bowes) So as part of the SEC Application process.

Q Yes.

A (Bowes) So I don't know if there's been a Project, certainly that I've ever worked on, maybe in the entire country, that has had more disclosure of information. In fact as you mentioned before, we're on page 30,000 --

Q But that isn't my question.

MR. NEEDLEMAN: Objection. I think he should be permitted to finish the answer.

MS. SAFFO: I think he's not answering my question.

A (Bowes) I was getting to it.

MS. SAFFO: My question is very specific to
not what's happening around the country, but in this particular case, prior to the Loon Mountain Grafton County public hearing, had there been full and complete disclosure to the public of the plans to construct the facilities.

A (Bowes) So we've gone through a federal process prior to that --

Q That isn't my question.

MR. NEEDLEMAN: Same objection. He should be permitted to answer, and, again, I don't see how this relates to the subject of the recall.

COMMISSIONER BAILEY: I think her question is has the public been shown the plans as they have been updated for this phase of the hearing.

MS. SAFFO: I'm wondering if they were shown the plans prior to the public hearings at which they're --

COMMISSIONER BAILEY: The original plans?

MS. SAFFO: No. The plans now. The Exceptions and as they're developing.

COMMISSIONER BAILEY: You can answer the question.

A (Bowes) So the plans that were shown at that specific public hearing were the plans that were
current at that time with the best information available, and probably the amount of disclosure was so extensive that it has led to difficulties in the general public and even members of the Project team tracking all of the nuances that have occurred. If we're talking about a specific set of trees in front of a historic house, I think the plans in essence today are the same that they were at that public hearing; that we were going to go past that house, we were going to try to maintain the integrity of that structure and of the aesthetic quality of those trees, and that's something that has remained unchanged through the entire process.

Q But, again, there are plans and there is intent, correct?

A (Bowes) Our intent was stated for this portion of the Project was to go within the travel portion of the roadway.

Q Okay. And that's what was said, that was the intent at the time of the public hearings, correct?

A (Bowes) I believe it was, yes.

Q Do you think it's a significant modification to
go from what was the intent at the time of the
public hearings or even the plan at the time of
the public hearings to what we're doing now?

A (Bowes) So certainly there has been an evolution
of the design.

Q That isn't my question. I think we agree
there's been an evolution of the design. My
question is do you think it's significantly
different than what the initial plan was
presented at the time public hearings?

A (Bowes) So "significantly" is the word I'm
having difficulty with. It has changed. Many
locations it's moved to the shoulder. If that's
a significant change for someone, then I would
agree.

Q Okay. Now, you've stated to the media that the
SEC decision to extend the time framework for
additional nine months was disappointing, and
that the request for friendly cross-examination
has bogged down the proceeding. Do you remember
saying that?

MR. NEEDLEMAN: Objection.

COMMISSIONER BAILEY: How is this relevant?

MS. SAFFO: I think there's this rush to
get approvals and rush to get a design and then we're changing, but at the same time the rush is being created by Northern Pass.

COMMISSIONER BAILEY: That's not really relevant to what this Panel was called back to do. So I'm going to sustain the objection.

BY MS. SAFFO:

Q  If the SEC delegates the Department of Transportation, do the property owners have a mechanism to raise its concerns?

A  (Bowes) So is this again for the local roads? Or for the State-owned roads?

Q  Both. Start with the State-owned roads.

A  (Bowes) My understanding is they already have jurisdiction for the State-owned roads. And we're asking the SEC to take jurisdiction for the local roads, and they will likely delegate to the New Hampshire DOT for that process. Is there a public process as part of that? I believe there is, yes.

Q  So you talked about a timeline for the survey for the DOT approval, the easements, identifications, the assessments. When do you anticipate having a use and occupancy agreement?
A (Bowes) I would say probably some time in March of 2018.

Q So doesn't it make sense to hold off the SEC decisions until you have that information that can be analyzed by the people who are impacted?

MR. NEEDLEMAN: Objection. Unrelated to scope, and this issue has already been decided.

COMMISSIONER BAILEY: Agreed. Sustained.

BY MS. SAFFO:

Q Do you agree that the surveys are something the public needs to in order to evaluate what's happening on their property?

A (Bowes) I would agree it's probably part of the information they need. A final design is probably as important.

Q Now, I know at least one location DOT has rejected your HDD location. In the Campton area. When do you expect to have a new proposed location for that HDD?

A (Bowes) When the survey is completed, then we'll resubmit the design.

Q Okay. So the survey is completed, and then you're going to put a new location for HDD, correct?
A (Bowes) I don't believe so.

Q Okay. So right now they've rejected an HDD that is by a mobile home park, correct?

A (Bowes) Do you have a specific number for that one? I'd like to just verify before we answer.

Q I can ask the Counsel for the Public what number that is. If you want to go back over to the maps we can find it, too.

COMMISSIONER BAILEY: We can be off the record.

(Discussion off the record)

COMMISSIONER BAILEY: You may proceed.

Q Counsel for the Public Exhibit 509 is what we're looking at. The input back --

A (Johnson) It's not Exception Request 13.

COMMISSIONER BAILEY: All right. Let's go off the record again.

(Discussion off the record)

Q So there's a mobile home park there, correct?

A (Bowes) Yes, there is.

Q And so DOT has told you that they're rejecting that Exception Request due to the proximity to the mobile home park, correct?

A (Bowes) Indirectly, I think that's correct. I
think it was actually because we're locating within the driveway or roadway into the mobile home park.

Q Yeah. Absolutely. So where do you, when, relocating that is a big venture, correct? I mean, you need 30 feet by 300 feet to put that entrance, correct?

A (Bowes) I'm just waiting for the Exception Request to come up.

MR. PAPPAS: That would be Counsel for the Public's Exhibit 522, I believe.

A (Bowes) So in this case, on page 6, it shows the two entry pits just into the road or the driveway right-of-way or in front of that. We would pull those pits about 50 feet back so the entry pits would be outside of the driveway. They would be, the work zone then would slide approximately 50 feet as well along the roadway there.

Q And any time you make a modification of that nature, fair to say whoever's land is adjoining to that deserves to be able to provide input, correct?

A (Bowes) That's not the process we have been
using.

Q I realize that isn't the process you've been using, but now you want the SEC to approve the whole Project. The process we've been using has not been to solicit landowner input, correct?

A (Bowes) Just a generic letter to them?

Q For the HDDs, I believe that may be accurate. Yes.

A (Bowes) In this case, I believe it's about that size, yes.

Q And most of the HDD work zones are big, correct?

A (Bowes) Some are larger than that. Yes.

Q Yeah. And the adjoining property owners' input before something of that nature is put on their property is particularly important, correct?

A (Bowes) It may be important. Yes. I think once we have a final design is the time to speak with them.

Q But again, at that point in time, if they say you're destroying my front yard, your only option is to move it to somebody else's front
yard, correct?

A (Bowes) Or again, locate to within the DOT right-of-way, into the travel lane a little bit further, yes.

Q But if you need 30 feet, there's only so far, you're already going into the travel lane, correct, with a construction zone of that size?

A (Bowes) In this case we're taking the full travel lane.

Q Yeah. So the only way to go further into the travel lane is to take over the road and close it.

A (Bowes) And we're not proposing to do that at this location.

Q Exactly. For so for HDDs, if you're already using half the road, the only place to go is to the adjoining landowner for the remaining footage, correct?

A (Bowes) It would slide one way or the other and could impact different landowners. You're correct.

Q And you don't plan on closing any roads, correct? For HDD construction?

A (Bowes) For the State roads in Grafton County

{SEC 2015-06} [Day 43/Morning Session ONLY] {10-02-17}
that is accurate.

**Q** So that means the only place to go for the other half is the adjoining landowners, correct?

**A** (Bowes) Within the road right-of-way, yes.

**Q** Can you think, presuming you have a 30-foot work space, can you think of any landowner that wants 18 feet of work space in front of their residences or businesses?

**A** (Bowes) I can't answer for everyone, but I think many would not like that.

**Q** And so when they say to you "I don't like that," your option is to move it to some other landowner or leave it there, correct?

**A** (Bowes) Probably in most cases, that's correct.

**Q** And those landowners just drew the short straw, correct?

**A** (Bowes) Again, it's within the road right-of-way, but I would agree that they're going to be impacted on a temporary basis.

**Q** And because the temporary impact includes clearing their land for a work zone, some of those impacts are going to be permanent, correct?

**A** (Bowes) It's possible. However, we have
committed to restoring the property and doing additional plantings as necessary.

Q But you can't make mature trees grow back, right?

A (Bowes) Again, I think we talked before that we weren't planning to impact mature trees as part of this process, but we would evaluate that as part of the Exception Request that goes to the DOT.

Q So really if the plan to develop the details of this Project in an iterative process, kind of as it goes along, including past approval, then really what you're saying is that once the Application was approved, then your plan is for DOT to have the final say. And potentially DES a little bit.

A (Bowes) It would depend upon the specific topic, but for the use of the State's roads, I would agree with that.

Q And the use of the State roads include being able to bury a transmission line on property that you feel the State has an easement over or right-of-way over.

A (Bowes) Yes.
Q And the Application itself described the entire underground part of Grafton County as just under the roadway, correct?

A (Bowes) I think in general that's a fair statement, yes.

Q And that is no longer the case, correct?

A (Bowes) That is correct. We identified by town the locations that would be off the roadway.

Q So can we switch back? Thank you very much.

I'm almost done. So Application shall contain sufficient information to satisfy the Application requirements of each -- I'm sorry. I'm sorry.

So you feel the Application contains sufficient information to satisfy the Application requirements for the underground, for each state agency for the underground portion of Grafton County. I'm not going to speak to the overhead part.

MR. NEEDLEMAN: Objection. This is a completeness issue. It's already been determined.

COMMISSIONER BAILEY: Would you like to respond, Ms. Saffo?
MS. SAFFO: I think one of the purposes to be here is the Exceptions that are being filed which are significant from what was in the Application so I think -- and the design modifications that are different from what was in the Application so I think it's a fair question.

COMMISSIONER BAILEY: I think it's consistent with the Chair's Order on this Panel, on the recall of this Panel. You may proceed.

A (Bowes) So could you repeat the question again?

Q I'm sorry, Ms. Stenographer. Do you mind repeating the question?

COURT REPORTER: So you feel the Application contains sufficient information to satisfy the Application requirements for the underground, for each state agency for the underground portion of Grafton County. I'm not going to speak to the overhead part.

A (Bowes) So for the DOT and the DES, I believe the answer is yes. They've also issued other conditions for us to meet.

Q What about any other agency? Did the Application contain sufficient information to
satisfy the Application requirements of agencies other than DOT and DES?

MR. NEEDLEMAN: Objection. Beyond the scope.

COMMISSIONER BAILEY: That is beyond the scope, Ms. Saffo. Sustained.

BY MS. SAFFO:

Q And I'm pointing to Section 5. Each Application shall also. Each Application shall also identify the configuration of each major part of the proposed facility.

COMMISSIONER BAILEY: But that's not really what's relevant for the recall of this Panel. That was --

MS. SAFFO: So, again, my understanding is the recall is because the plans have changed and so I'm wondering if he feels that their Application identified the configuration for each major part of the proposed Application facility.

MR. NEEDLEMAN: These issues go directly to the completeness determination which was issued by this Committee a long time ago.

MS. SAFFO: They say what the Application
shall include.

COMMISSIONER BAILEY: Right, and that was determined a long time ago.

MS. SAFFO: But if you keep -- it was determined under a different design for Grafton County. When you look at Grafton County, the Application was accepted for a different design than what's in front of this Committee now.

COMMISSIONER BAILEY: Right, and you just asked him whether the information that has been provided is sufficient regarding the Exception Requests, and he said yes, he believed it was. And that's what we're here to talk about today.

MS. SAFFO: It is what we're here to talk about today, but the Exception Requests that have now been pulled, they've got to be reissued and potentially might be changing, are different than what was in the Application. And that one was approved. There was an Application that was given for 52 miles in Grafton County. That Application said one thing and now it's changed. So the approval for the Application was on a different design than what we have now.

COMMISSIONER BAILEY: And if you think
that's not fair, you can argue that in your brief.

MS. SAFFO: Okay.

COMMISSIONER BAILEY: Or if you think that's not sufficient. Rather than fair.

BY MS. SAFFO:

Q Site Regulation 301.14. Criteria relative to findings of unreasonable adverse effects. Do you see that?

A (Bowes) Yes.

Q Looking at number 7, the effectiveness of the measures proposed by the Applicant to avoid, minimize or mitigate unreasonable adverse effects on aesthetics and the extent to which such measures represent best practical measures, correct? Do you see that?

A I do.

Q So that is something that is supposed to be part of the Application, correct?

MR. NEEDLEMAN: Objection. These are criteria for making the determination.

MS. SAFFO: They're Committee criteria for making a determination. So how does this Committee make a determination if they delegate
to DOT?

A (Bowes) Maybe you should ask them, not me.

Q So if your interpretation is correct regarding these Exceptions that you can keep submitting Exceptions that are dramatic, that would have a dramatic impact on the design, and that the design can be different than what was in the Application, then property owners are checkmated as soon as the Application is approved, correct?

A (Bowes) There's a couple words in there I'm not sure I understand the meaning of. Dramatic and checkmated.

Q Okay. So let me start. So under your request to the Site Evaluation Committee, you submitted design that would have one impact which is go down the road. And they approved that Application. And that approval was based on a design that would not impact adjoining landowners. That was your intent when you first filed the Application.

But then that changes after Application approval to you can file Exceptions, you can move it off the road to adjoining the road, and your answer to being able to do that is we
delegated to DOT, correct?

A (Bowes) So I still don't understand. Is this still in relation to dramatic and checkmated?

Q Yes. Okay. So yes, so private landowners go to public hearings at Loon Mountain in Grafton County. And at Loon Mountain in Grafton County, their understanding is you're going under the road and not into adjoining land, and the Application says that. The design in the Application says we're going under the road and not on adjoining land. And we go all the way through the public hearing process with that being the understanding, that being what you're hoping to do. And then it completely changes and we don't include those private landowners that went to the public hearings and that responded to your letters at all until after final approval of a completely different design. Is that your plan for the Exceptions and for the design of this underground roadway for 52 miles?

MR. NEEDLEMAN: Objection. This has been asked and answered multiple times.

COMMISSIONER BAILEY: I think it has. I mean, I think he already testified that he was
willing to limit construction activity to five feet, no more than five feet off the shoulder.

Q Okay. So is your survey going to show the no more than five feet off the shoulder? Can you add that line to your surveys?

MR. NEEDLEMAN: I'm not sure it was the shoulder. I thought it was the ditch line.

Q Ditch, shoulder or roadway. Whatever there is.

COMMISSIONER BAILEY: It is two different things.

A (Johnson) In our drawings today, we do show the extent of the work zone.

Q So some roads don't have shoulders, correct?

A (Bowes) Very limited, yes.

Q And some roads have shoulders but no ditches, correct?

A (Bowes) Yes.

Q And some have roads, shoulders and ditches, correct?

A (Bowes) Yes.

Q What we call the disturbed area, correct?

A (Bowes) Yes.

Q Okay.

A (Bowes) In general.
Q So five feet from the disturbed area. Can you note that on your plans? Your new survey?

A (Bowes) We could certainly note that on the construction drawings, but the survey is really just the property bounds, not the design. But on the design we could certainly indicate the final alignment as well as where we think the disturbed area is.

Q And then as it relates to property lines. So when a landowner wants to know what is happening in front of their property, they can tell.

A (Bowes) Those will be on the final construction drawings and we can add this new boundary, I would say, for the disturbed area.

Q And those final construction drawings will be ready in March.

A (Bowes) Probably a little before that. But yes. February or March.

Q Too late for any property owner -- okay. Strike that.

Grafton 46 is Easton. And the reason why I'm showing you this is is it fair to say this is the major road in Easton? 116?

A (Bowes) Yes.
Q And pretty much development in Easton is along this road, correct?
A (Bowes) Yes.
Q So what happens on this road impacts the entire town, correct?
A (Bowes) I'll accept that. I'm not sure what the entire town means, but --
Q And what happens on this road impacts the temporary construction if it's two years or whatever they plan on it being for this road, impacts all aspects of this town, ability to get to work, ability to get to Emergency Services, correct?
MR. NEEDLEMAN: Objection. Scope.
COMMISSIONER BAILEY: Sustained.
BY MS. SAFFO:
Q So the current plan is to continue to be able to submit exception requests, correct?
A (Bowes) We're talking about now the New Hampshire DOT exception process, yes.
Q And the current plan is that the current Exception Requests might be modified, the ones that have been technically withdrawn, but the 188 that have been submitted to date would be
changed?

MR. NEEDLEMAN: Objection. Asked and answered.

MS. SAFFO: I think it's fair. I'm almost done.

COMMISSIONER BAILEY: I think it has been asked and answered. Try another question.

MS. SAFFO: Okay.

BY MS. SAFFO:

Q So the current plan is that we don't, a landowner has to still look at what you define as the entire right-of-way as potentially on the table, correct?

A (Bowes) I'm not sure what the landowner, you want the landowner to look at. Their property or something else?

Q Well, meaning if I'm a landowner along any of the 52 miles in Grafton County, just the underground portion, I have no guarantees about what's going to happen in front of my house yet, do I?

A (Bowes) So the, I'm not sure that guarantee is the right word.

Q Okay. What word would you use?
A (Bowes) I would think that the process will continue to evolve through the iterations with the New Hampshire DOT, and, ultimately, a final design will be issued and approved, and construction would then begin, and there could be Exceptions noted during construction if unforeseen underground obstructions are encountered.

Q So in light of the fact of this exception process, if I'm a current landowner on the 52 miles of the underground path in Grafton County, I need to look at your survey very closely to see what you consider the right-of-way to be, correct?

A (Bowes) If they're concerned about the land rights issue, I could agree with that.

Q If they're concerned about what could happen on their property.

A (Bowes) I'm not sure I understand.

Q So I'm a landowner with property along 302, 18, 116, 112 and Route 3, the 52 miles of underground lines. And someone says to me, or I want to know what is going to happen on my land, right now what is potentially fair game is
anything in the right-of-way.

A (Bowes) I'm not sure I'd characterize it that way. I would say it the other way. If a customer has a specific concern about their property, they can reach out to the Project. We'll show them the initial design. We'll show them the exception that we're asking for, if any, and we'll show them a probable future design. And I would even go further. A highly probable future design based on what we've learned from the DOT process to date.

Q So if a customer has a concern, you'll show them the initial design which was if you look online it's to go down the middle of road, correct?

A (Bowes) I'm not sure it's down the yellow lines, but I think it was down one travel lane.

Q I'll agree to disagree on that.

And you say that's off the table. And they go oh, okay. So what's on the table. And then you show them this, and they go okay, so you can guarantee nothing more is going to happen on my property, but you can't, because this is an iterative process where things could change, correct?
A (Bowes) So, again, the word guarantee is the issue.

Q Okay. Let me rephrase it. So if I am a member of the public that simply wants to know what do I need to be potentially worried about, meaning what could happen on my land, the best, is it fair to say that I should find out exactly what you think the right-of-way is, correct?

A (Bowes) If that's of concern to them, yes.

Q I think it's fair to say everybody's concerned about their residences, correct?

A (Bowes) Well, you're talking about the width of the right-of-way. I think that's a little different than their residences.

Q Okay. So people are concerned about, you think it's fair to say that current landowners are concerned about what's happening from their front door to what is currently pavement?

A (Bowes) Yes. I could agree with that.

Q Yeah. So and up here, people's houses are their primary asset. Do you understand that as well?

A (Bowes) So I'm not sure what the "up here" means.

Q Grafton County along this 5 miles of underground
roads.

A (Bowes) I think that's a universal issue. I don't think there's something special about your county.

Q Absolutely. I think you're right. That for most citizens, their land and their residence is their primary asset, correct?

A (Bowes) I would agree.

Q Yes. So this is important. What's happening to their primary asset and their home is important, correct?

A (Bowes) Again, we're not proposing any takings of property, homes, or anything like that. We're proposing to work within the DOT right-of-way.

Q Exactly. So what you think is the DOT right-of-way is information that a landowner needs to know, correct?

A (Bowes) We've provided maps of that to date.

Q Because what you think is the right-of-way can be used for this Project, correct?

A (Bowes) No.

Q Okay. What you think is the right-of-way is land that you could be clearing for this Project
if you need it. If the design calls for it.

A (Bowes) I think that's a hypothetical and improbable. We don't plan to clear the DOT right-of-way as part of this Project.

Q No, but if you want to be assured of what's going to happen on your property, you're saying that DOT has a right-of-way to use that many feet of what they might consider their front yard.

A (Bowes) I don't think we're saying that.

Q You are saying the final details are not complete on this Project, correct?

A (Bowes) The final design does not have to be issued prior to getting a Certificate for this Project.

Q And there was 188 Exceptions along the 52 miles in Grafton County, correct?

MR. NEEDLEMAN: Objection. Asked and answered.

MS. SAFFO: Okay.

BY MS. SAFFO:

Q Now, clearly, you do need to eventually come up with an accurate design plan to give the people who are digging the holes and pouring the
A (Bowes) So we've talked a lot about the issued-for-construction drawings which would be just that document.

Q And so why not suspend these proceedings until that plan is developed? You can't start construction until that is developed anyways.

MR. NEEDLEMAN: Objection. This has been covered already, and it's beyond the scope.

COMMISSIONER BAILEY: It is beyond the scope.

MS. SAFFO: Thank you. No further questions.

COMMISSIONER BAILEY: Thank you, Ms. Saffo. I believe that concludes the cross-examination from the parties. So we will take a break for lunch, and then we'll have questions from the Committee and redirect. Thank you. We'll resume at 20 of 2.

(Lunch recess taken at 12:38 p.m. and concludes the Day 43 Morning Session. The hearing continues under separate cover in the transcript noted as Day...
43 Afternoon Session ONLY.)
CERTIFICATE

I, Cynthia Foster, Registered Professional Reporter and Licensed Court Reporter, duly authorized to practice Shorthand Court Reporting in the State of New Hampshire, hereby certify that the foregoing pages are a true and accurate transcription of my stenographic notes of the hearing for use in the matter indicated on the title sheet, as to which a transcript was duly ordered;

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this transcript was produced, and further that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

Dated at West Lebanon, New Hampshire, this 14th day of October, 2017.

___________________________
Cynthia Foster, LCR